Keystone Consolidated Industries, Inc.
Keystone Steel & Wire – Peoria, Illinois
Keystone Wire Products – Sherman, Texas
[illegible]00 S.W. Adams Street • Peoria, IL 61641
[illegible]09/697-7020 Phone • 309/697-7487 Fax
www.redbrand.com • www.keystonesteel.com

July 9, 2008

CERTIFIED MAIL #7004 2510 0002 6347 6339
RETURN RECEIPT REQUESTED

Mr. Jim Moore
Illinois EPA
Division of Land Pollution Control
PO Box 19276
Springfield, Illinois 62794-9276

Re: Environmental Land Use Controls
Keystone Steel & Wire Company
Illinois EPA ID No. 1430050001

Dear Mr. Moore:

Keystone Consolidated Industries, Inc. d/b/a Keystone Steel & Wire Co. ("Keystone") is submitting herewith the final certified Environmental Land Use Controls (the "ELUCs") required in connection with the remediation and closure activities at the North Ditch Staging Area and F-Pond required by the Administrative Order of Consent between Keystone and the U.S. Environmental Protection Agency Region 5, dated December 20, 2000. The ELUCs are for Land Parcel ID Numbers 17-25-276-002 and 17-36-400-003.

If you have any questions or need additional information please do not hesitate to contact me at 309-697-7702.

Respectfully,

David L. Cheek
President and Chief Executive Officer

Attachment

cc: George Hamper, USEPA (less attachment)
Andrew Running, Kirkland & Ellis
Pierce Marshall, on behalf of Keystone Steel & Wire Co.
Kevin Lombardozzi, on behalf of Keystone Steel & Wire Co. (less attachment)
Russ Perry, on behalf of Keystone Steel & Wire Co. (less attachment)
Bert Downing, Keystone Consolidated Industries, Inc. (less attachment)
Chad Erdmann, Keystone Steel & Wire Co.
Thad Slaughter, ENTACT (less attachment)
Jonathan Adenuga, USEPA - Certified Mail #7004 2510 0002 6347 6346

Keystone Consolidated Industries, Inc.
Keystone Steel & Wire – Peoria, Illinois
Keystone Wire Products – Sherman, Texas
00 S.W. Adams Street • Peoria, IL 61641
309/697-7020 Phone • 309/697-7487 Fax
www.redbrand.com • www.keystonesteel.com

July 1, 2008

CERTIFIED MAIL #7004 2510 0002 6347 6322
RETURN RECEIPT REQUESTED

Mr. Jim Moore
Illinois EPA
Division of Land Pollution Control
PO Box 19276
Springfield, Illinois 62794-9276

Re: Environmental Land Use Controls
Keystone Steel & Wire Company
Illinois EPA ID No. 1430050001

Dear Mr. Moore:

Keystone Consolidated Industries, Inc. d/b/a Keystone Steel & Wire Co. ("Keystone") is submitting herewith the final certified Environmental Land Use Controls (the "ELUCs") required in connection with the remediation and closure activities at the South Ditch-North Half, South Ditch-South Half, and the Lower South Ditch (collectively, the "Ditches"). The ELUCs are for Land Parcel ID Numbers 17-25-503-001 and 17-25-503-002 ("the Land Parcels").

The Illinois Environmental Protection Agency approved the form of the ELUCs for the Land Parcels on October 23, 2006. After that date, Keystone repeatedly attempted to secure fully executed ELUCs for the Land Parcels from Union Pacific Railroad ("UPR"), the titled owner of the Land Parcels at that time. After significant protracted negotiations over the past year and a half, UPR finally decided it was in everyone's best interest for UPR to quitclaim the Land Parcels to Keystone and have Keystone put the ELUCs in place in connection with the closure of the Ditches. Keystone finally closed on the purchase of the Land Parcels last week, which facilitated the filing of the ELUCs with the Peoria County land records office on Friday, June 27, 2008.

Keystone very much appreciates your patience in this matter and should you have any questions or need additional information please do not hesitate to contact me at 309-697-7702.

Respectfully,

David L. Cheek
President and Chief Executive Officer

Attachment

cc: George Hamper, USEPA (less attachment)
Andrew Running, Kirkland & Ellis
Pierce Marshall, on behalf of Keystone Steel & Wire Co.
Kevin Lombardozzi, on behalf of Keystone Steel & Wire Co. (less attachment)
Russ Perry, on behalf of Keystone Steel & Wire Co. (less attachment)
Bert Downing, Keystone Consolidated Industries, Inc. (less attachment)
Chad Erdmann, Keystone Steel & Wire Co.
Thad Slaughter, ENTACT (less attachment)
Jonathan Adenuga, USEPA (less attachment)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF
D-8J

October 19, 2005

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Russ R. Perry, Manager
Energy & Environmental Engineering
Keystone Steel & Wire Company
7000 S.W. Adams Street
Peoria, Illinois 61641-0002

Re: Selection of Final Remedial Alternative
Keystone Steel & Wire Company
EPA ID No. ILD 000 714 881

Dear Mr. Perry:

The United States Environmental Protection Agency (U.S. EPA) as part of its public participation responsibilities under RCRA from August 1, 2005, through September 16, 2005, issued a statement of basis explaining a proposed remedy for addressing contaminated soils and groundwater at the Keystone Steel & Wire Company (KS&W) facility. The document also summarized investigation of contamination at the site and viable remedies alternatives.

The U.S. EPA did not receive any comments from the public at the end of the public comment period nor received any new information that would constitute a basis for modification of the proposed remedy. Therefore, the U.S. EPA is selecting the proposed remedy as the final remedial alternative for contaminant remediation at the KS&W facility.

If you have any questions regarding this matter, please contact Jonathan Adenuga, of my staff, at (312) 886-7954.

Sincerely,

Willie H. Harris

for Margaret M. Guerriero, Director
Waste Pesticides and Toxics Division

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

March 15, 2005

REPLY TO THE ATTENTION OF:

DE-9J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Russ R. Perry
Manager, Energy & Environmental Engineering
Keystone Steel & Wire Company
7000 S.W. Adams Street
Peoria, Illinois 61641-0002

Re: Final Corrective Measures Proposal — Keystone Steel & Wire Company
EPA ID No: ILD 000 714 881

Dear Mr. Perry:

We have completed review of the February 14, 2005 Final Corrective Measures Proposal (CMP) for the onsite F-Pond and the North Ditch Staging Area at the Keystone Steel & Wire Company. More importantly, we note that the wetland designation issues associated with the F-Pond were not specifically addressed in the CMP. It is our position that the onsite F-Pond wetland designation must be addressed such that any remedial measures implemented within the wetland areas at the facility must take into account all wetland rules and regulations.

Based on our initial assessment of the recommended corrective measures for the F-Pond and the North Ditch Staging Area, it would appear, that the **In-Situ/Off-site Disposal and the CAMU Treatment/Off-site Disposal** corrective measures may be acceptable, if the technical and regulatory issues associated with this particular remedies are properly addressed. We believe that these technical and regulatory issues may have some impact on the implementability and effectiveness of the remedy. Described below are some of the concerns noted in the CMP.

A) According to the text in **Section 6.1.1**, soils/sediment that may exhibit toxicity characteristic for lead will be identified in the F-Pond. It is unclear from the CMP, if keystone intends to visually identify soil/sediment samples that may exhibit the toxicity characteristic. The CMP needs to clarify or include a plan to characterize the nature of the wastes in the F-Pond. This plan must include a strategy for collecting samples that may exhibit the toxicity characteristics for RCRA metals. It is also unclear if the waste determined to be characteristic for lead and treated in-situ to reduce the lead concentration, would also be transported for off-site disposal. For example, as stated in the CMP, "The treated soils/sediment and impacted soils/sediment with concentrations of constituents of concern that exceed the remediation goals will be... stockpiled fo sampling purpose". In addition, the text states "Stockpiles that meet the disposal criteria... will be transported to an off-site Subtitle D disposal facility". These

off-site disposal criteria are unclear.

The CMP needs to clarify whether all soils/sediment within the F-Pond with concentration of lead that exceed the 800mg/kg levels, including those treated that no longer exhibit the toxicity characteristic would be transported for off-site disposal. Please note that treatment of wastes that exhibit the toxicity characteristic of lead, to less than 5ppm does not mean that the health risks associated with the wastes has been removed. The toxicity characteristic leaching procedure applies only to the leachate extract from the waste and not the waste itself. The waste may still contain lead concentrations that may not be safe to be left in place.

B) The text describes excavation and offsite disposal of treated soils/sediment, however, it does not explain if the area excavated will be backfield with clean soils.

C) To provide clarity and comparability, the CMP should be expanded to include detailed figures showing remedial areas for the four active alternatives considered. With as much specificity as possible at this stage of the RCRA corrective action process, these figures should show areas to be excavated, treatment and consolidation areas, stockpiling areas, areas to be covered and/or backfilled, and other pertinent corrective measures components. Assumed excavation depths and soil volumes should also be noted on the figures. In addition, the location of Mud Lake (referenced in Section 6.1.1) should be indicated.

D) According to this section of the CMP, confirmation samples will be collected from the bottom of the soil/sediment excavation area at F-Pond under Corrective Measures Alternative No. 2. These confirmation samples will be used to document achievement of remediation goals for iron and lead contamination. To confirm that the full extent of contamination (above applicable industrial standards) has been removed both laterally and vertically, the CMP should require confirmation sampling along the excavation sidewalls, as well as from the excavation bottom. Revise the CMP recommendations accordingly. In addition, confirmation sampling frequencies (e.g., number of samples per given area) and analytical parameters should be identified in the CMP. (Note that these comments should be applied to all alternatives involving excavation of impacted media from F-Pond and the North Ditch Staging Area.)

E) Expand the discussion of Alternative No. 2 to identify potential future uses of the F-Pond area to explain why no backfilling or regrading is proposed following excavation of impacted soil/sediment. Keystone is proposing to address impacted soil/sediment above applicable industrial/commercial standards. Some soil/sediment contamination above residential standards is expected to remain in place upon completion of the cleanup effort. Consequently, certain risks to human health and the environment (e.g., those that would apply to on-site residents) will not be addressed via excavation or treatment under the recommended corrective measures. Instead, Keystone proposes to address these risks by implementing deed restrictions that limit future land uses to commercial or industrial purposes. Accordingly, the CMP language should be clarified to note that the proposed corrective measures are intended to address risks to human health and the environment *under commercial/industrial land use scenarios.*

F) According to the CMP, surface water in F-Pond has reported exceedances of tap water PRGs for

analytical testing, data validation, and reporting. One of the tasks involves establishment of a CAMU, for which regulatory agency approval will be required. Upon completion of the field effort, analytical services and reporting will again be required before the corrective action can be approved. Consequently, it appears that the one month estimate for cleanup refers only to time spent in the field implementing the selected remedy for each area. For greater clarity and comparability, the CMP should be expanded to include detailed scheduling information (at least for the recommended corrective measures alternatives), showing linkages between tasks and including planning, mobilization, field components, demobilization, analytical, reporting, and ongoing operations and maintenance tasks.

If you have any questions regarding this matter, please contact Jonathan Adenuga, (312) 886-7954.

Sincerely yours,

Jonathan Adenuga
Enforcement and Compliance Assurance Branch
Waste, Pesticides and Toxics Division

Enclosures

cc: Jim Moore, IEPA

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

May 19, 2004

DE-9J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Russ R. Perry
Manager, Energy & Environmental Engineering
Keystone Steel & Wire Company
7000 S.W. Adams Street
Peoria, Illinois 61641-0002

Re: **Summary Results of 2003 Sampling**
East Sludge Pond & Sludge Lagoons
Keystone Steel & Wire Company
EPA ID No: ILD 000 714 881

Dear Mr. Perry:

The United States Environmental Protection Agency (U.S. EPA) has completed the review of your May 11, 2004, Summary results from the additional sampling conducted at the North and South Sludge Lagoons and the former East Sludge Pond. The U.S. EPA agrees with the findings and conclusions in your report. The results from the U.S. EPA's split samples retained from the same locations also appears to reveal similar results.

You may now submit the **Final Corrective Measures Proposal** for those Solid Waste Management Units (SWMUs) where corrective actions is required. Please refer to U.S. EPA August 12, 2003 letter as this may help you submit an adequate corrective measures proposal. The above information should be submitted within 30 days of receipt of this letter.

If you have any questions regarding this matter, please contact Jonathan Adenuga, (312) 886-7954.

Sincerely yours,

Jonathan Adenuga
Enforcement and Compliance Assurance Branch
Waste, Pesticides and Toxics Division

Jonathan Adenuga
04/29/04 10:20 AM

To: perryrs@keystonesteel.com
cc:
Subject: Sampling report

Our records indicate that Keystone Steel received final data reports for the additional sampling requested by the U.S. EPA in December of 2003. According to Keystone Steel, a summary documentation should have been submitted to U.S. EPA by January of 2004. Failure to submit this summary report has led to the delay of submitting the Final Corrective Measures Proposal as required under the Consent Decree. Failure to submit the Final Corrective Measure Proposal is a violation of the Consent Decree and the U.S. EPA may invoke the stipulated penalties clause in the Consent Decree. Your summary data and conclusion of the additional sampling must be submitted to U.S. EPA by May 12, 2004 and the Final Corrective Measures Proposal submitted 30 days after U.S. EPA approves the summary report.

Keystone Steel & Wire

September 5, 2003

CERTIFIED MAIL # 7001 1940 0006 0347 9153
RETURN RECEIPT REQUESTED

Mr. Jonathan Adenuga
Enforcement and Compliance Assurance
Waste, Pesticides, and Toxics Division
U.S. Environmental Protection Agency, Region 5 (DE-9J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3507

Subject: USEPA's August 12, 2003 Letter Regarding Additional Sampling and the Final Corrective Measures Proposal for Keystone Steel & Wire Company, Peoria, Illinois (EPA Facility ID Number: ILD 000 714 881)

Dear Mr. Adenuga:

Keystone has received and reviewed United States Environmental Protection Agency's (USEPA's) August 12, 2003 response the to the additional sampling proposal presented in the July 11, 2003 letter submitted by RMT on behalf of Keystone Steel & Wire Company (Keystone). Keystone is currently in the process of coordinating the implementation of the proposed sampling event to further evaluate sediments from the former East Sludge Pond and the North and South Sludge Lagoons.

As per your conversation with Mark Prytula of RMT, Inc. on August 21, 2003, we understand that you intended the 30-day deadline noted in your letter to apply to the analytical results for the data collected as a result of the implementation of this sampling event. After your review of this data, USEPA and Keystone can then coordinate identification of the final corrective measures that will be required at the SWMUs to be remediated.

Keystone is working to schedule a drilling contractor to implement the East Sludge Pond portion of the sampling event, and is required to notify you 14 days prior to mobilization to implement any field activities pertaining to the Administrative Order on Consent (AOC). Owing to these facts and that the standard turnaround time for analytical laboratory results is 21 days, it will not be possible for the indicated 30-day deadline to be met.

Keystone will notify USEPA when the proposed sampling event has been scheduled (at least 14 days in advance of mobilization) and will then coordinate with you regarding submission of the laboratory results for your review. If you have any questions, please do not hesitate to contact me at (309) 697-7538.

Sincerely,
Keystone Steel & Wire Company

Russ R. Perry, P.G.
Manager, Energy & Environmental Engineering

cc: Andrew Running, Kirkland & Ellis
Mark Hollingsworth, Keystone Consolidated Industries
Robert Aten, Ph.D, L.P.G., Earth Tech
Jeffery Pierce, P.E., RMT, Inc.

Q:\EPA\USEPA\09-04-03 Adenuga Letter.doc

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

August 12, 2003

DE-9J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Russ R. Perry
Manager, Energy & Environmental Engineering
Keystone Steel & Wire Company
7000 S.W. Adams Street
Peoria, Illinois 61641-0002

Re: Final Corrective Measures Proposal
Additional Sampling Proposal
Keystone Steel & Wire Company
EPA ID No: ILD 000 714 881

Dear Mr. Perry:

The United States Environmental Protection Agency (U.S. EPA) has completed the review of your July 11, 2003 Additional Information and Follow-up Sampling Plan regarding Final Corrective Measures for the Keystone Steel & Wire Company (KS$W). The proposed sampling plan is acceptable. However, as you know, five solid waste management units were identified in the December 2000 Administrative Order on Consent AOC) for investigation and remediation. During the investigation at the facility, two new additional SWMUs (North & South Lagoons and East Waste & East sludge Pond areas) not formerly identified in the AOC, were identified as potentially contaminated areas. These two new SWMUs are now targeted for further investigation.

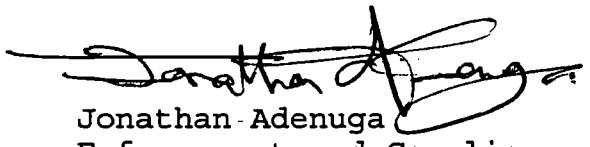
Paragraph 18 of the AOC requires that Keystone propose final corrective measures for the five identified SWMUs and that U.S. EPA selects the final corrective measures. The July 11, 2003 sampling plan proposes additional investigations at the two newly identified SWMUs at the facility. Based on the proposed additional sampling, we believe that it is premature for KS&W to submit the required final corrective measures for selection by the U.S. EPA. Therefore, the proposed additional sampling must be completed and the results should be submitted to U.S. EPA for review. We believe it would be prudent to evaluate the results from the additional sampling in conjunction with earlier results specifically for use in determining the final corrective measures. The selected corrective measures will be sent for public comment prior to implementation by KS&W.

As we indicated in our letter of March 28, 2003, we are aware that KS&W is closing several other units under an earlier order on consent with IEPA that may have some impact on the final outcome of any remediation that may ultimately be approved for the facility. As part of the U.S. EPA's public participation responsibilities, any selected remedy must be issued in a statement of basis that explains the proposed remedy to the public for comment. The proposed remedy in the statement of basis for public comment must also include all relevant information relating to all units at the facility that are currently being closed or have been closed. For example, a summary of all closure activities including remedies that have been completed, approved closure plans, approved remedies, and anticipated final closure dates for any remaining areas must be included in the statement of basis.

Therefore, as indicated above, we recommend that KS&W complete the follow-up sampling plan, submit the results for review and then submit final corrective measures for all SWMUs to be remediated including a summary of all relevant information relating to all areas to be closed under the IEPA Consent Order. The above information should be submitted within 30 days of receipt of this letter. I have also included copies of a Federal Register relating to the regulatory status of waste pickle liquor sludges generated by lime stabilization.

If you have any questions regarding this matter, please contact Jonathan Adenuga, (312) 886-7954.

Sincerely yours,



Jonathan Adenuga
Enforcement and Compliance Assurance Branch
Waste, Pesticides and Toxics Division

Enclosures

cc: Jim Moore, IEPA

Federal Register
Wednesday
November 12, 1980

Part VII

Environmental Protection Agency

Hazardous Waste Management System; Identification and Listing of Hazardous Waste—Finalizing the Lists of Hazardous Wastes (§§ 261.31 and 261.32) and Proposal To Amend § 261.32

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[SWH-FRL 1684-7]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule and interim final rule.

SUMMARY: Pursuant to Section 3001 of the Resource Conservation and Recovery Act of 1976, as amended (RCRA), the Environmental Protection Agency (EPA) today is finalizing the listings of eighty hazardous wastes from nonspecific sources (§ 261.31) and specific sources (§ 261.32). These listings were proposed and promulgated in interim final form in the Federal Register on May 19, 1980 (45 FR 33123–33127, 33136–33137). In addition, EPA is deleting four wastes from its interim final hazardous waste list,* and deferring final action on two wastes listed in interim final form on May 19, 1980, and on three wastes proposed for listing on May 19.

EPA also is finalizing Appendices VII and VIII to this Part. These appendices list, respectively, the toxic constituents of concern in each listed waste, and the toxic constituents whose presence in a waste is sufficient cause to list a waste as hazardous unless mitigated by other factors enumerated in § 261.11(a)(3).

Finally, EPA is clarifying § 261.30(d) of the regulations to indicate more clearly that the Agency may in the future establish lower small quantity generator exclusion limits for certain hazardous wastes listed in §§ 261.31 and 261.32.

DATES: Effective Dates. Waste listings promulgated in interim final form on May 19, 1980 which are finalized today become effective on November 19, 1980.

Waste listings which were proposed on May 19 for inclusion in the hazardous waste lists, become effective on May 12, 1981.

See Supplementary Information for further details.

ADDRESSES: The public docket for this regulation is located in Room 2711, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, and is available for viewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays. See Supplementary Information for further details.

FOR FURTHER INFORMATION CONTACT: Matthew A. Straus, Office of Solid Waste (WH–565), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 755–9187.

SUPPLEMENTARY INFORMATION:

Dates

Waste listings promulgated in interim final form on May 19, 1980 which are finalized today become effective on November 19, 1980. Wastes in this category are § 261.31 Hazardous Waste Nos. F001–012, F014–015, F020 and § 261.32 Hazardous Waste Nos. K002–011, K013–034, K036–052, K060–062, and K064–089.

Waste listings which were proposed on May 19 for inclusion in the hazardous waste lists (§ 261.32), become effective on May 12, 1981. Wastes in this category are distillation light ends from the production of phthalic anhydride from ortho-xylene (Hazardous Waste No. K093), distillation bottoms from the production of phthalic anhydride from ortho-xylene (Hazardous Waste No. K094), distillation bottoms from the production of 1,1,1-trichloroethane (Hazardous Waste No. K095), heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane (Hazardous Waste No. K096), vacuum stripper discharge from the chlordene chlorinator in the production of chlordane (Hazardous Waste No. K097), untreated process wastewater from the production of toxaphene (Hazardous Waste No. K098), untreated wastewater from the production of 2,4–D (Hazardous Waste No. K099), and waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting (Hazardous Waste No. K100).

For those waste listings promulgated in interim final form on May 19 which are not being finalized, the effective date is still November 19, 1980. These waste listings take effect as interim final regulations. Wastes in this category are bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol (§ 261.32 Hazardous Waste No. K001), and wastewater treatment sludges generated in the production of creosote (§ 261.32 Hazardous Waste No. K035).

Compliance Dates:

a. Notification

1. Finalized Waste Listings Promulgated in Interim Final Form on May 19, 1980

Persons who generate, transport, treat, store, or dispose of any hazardous waste listed in interim final form on May 19, 1980, which waste listing is now being finalized in substantively unaltered form are not required to notify as a result of today's action. We do not consider such action to be a "revision" of the Section 3001 regulations within the meaning of Section 3010(b). All such persons of course, should have already notified by or before August 18, 1980.

There is one possible exception. We have altered the listing description of § 261.32 hazardous waste No. K027 ("centrifuge and distillation residues from toluene diisocyanate production") to indicate clearly that wastes from both the centrifuge and distillation columns are included within the scope of the listing. Although we believe that the listing background document clearly reflected our intent to include both types of residues, we recognize that some persons generating only distillation column residues from this process may not have notified based on the May 19, 1980 listing description. We do not intend to penalize any such individual for failure to notify. Therefore, any person generating, transporting, treating, storing, or disposing of distillation column residues from toluene diisocyanate production who has not already notified EPA should now do so. (As explained below, we also do not intend to bar such persons from eligibility for interim status.)

One further clarification. The Agency has added one new listing description in its final list of hazardous wastes from nonspecific sources (§ 261.31), namely "wastewater treatment sludges from the chemical conversion coating of aluminum" (Hazardous Waste No. F019). This waste previously was included within the scope of § 261.31 Hazardous Waste No. F006, which listing was promulgated in interim final form on May 19, 1980. Persons who generate, transport, treat, store, or dispose of waste F019 are not required to notify as a result of today's action. Such persons should already have notified the Agency that they handle waste F006.

2. Finalized Waste Listings Which Were Proposed on May 19, 1980

Persons who generate, transport, treat, store, or dispose of wastes which were proposed for listing on May 19, 1980, which are today being finalized (§ 261.32, wastes K093–100), are not required to notify so long as they previously notified the Agency that they handle a hazardous waste and received

*Seven additional wastes promulgated in interim final form on May 19, 1980 were removed from the list of hazardous wastes on October 30, 1980 (45 FR 72037).

I.D. number.* Persons who have not previously notified EPA and who now generate or handle these wastes must now notify EPA of their activities under Section 3010 no later than February 10, 1981. Notification instructions are set forth in 45 FR 12746 (February 26, 1980).

3. Wastes Listings Taking Effect as Interim Final Regulations.

Persons who generate, transport, treat, store, or dispose of wastes which were promulgated in the May interim final list and are taking effect as interim final regulations (namely § 261.32 Hazardous Waste Nos. K011 and K013) are not required to notify again since all such persons should have already notified by or before August 18, 1980.

b. Other Compliance Dates.

Beginning on November 19, 1980, persons handling wastes listed in final or interim final form in §§ 261.31 and 261.32 which listings were promulgated in interim final form on May 19, 1980, must comply with all applicable standards for hazardous waste generators, transporters, and owners or operators of hazardous waste management facilities set forth in 40 CFR Parts 262 through 265 and 122 through 124.

Beginning on May 12, 1981, persons handling wastes listed in final form in §§ 261.31 and 261.32 which were proposed for inclusion on May 19, 1980, must comply with all applicable standards for hazardous waste generators, transporters, and owners or operators of hazardous waste management facilities set forth in 40 CFR Parts 262 through 265 and 122 through 124.

The owners or operators of all existing hazardous waste management facilities which treat, store or dispose of wastes listed in these regulations which were proposed for inclusion on May 19, 1980, and who wish to qualify for interim status under Section 3005(e) of RCRA, must file a notification by February 10, 1981, unless they have notified previously (as described in a. 2. above), and must file a permit application by May 12, 1981 (see 40 CFR § 122.23(a) (1) and (2)).

Owners or operators of facilities who have qualified for interim status and wish to manage wastes listed in the final regulations which wastes were proposed for listing on May 19, 1980 must submit an amended permit application by May 12, 1981 (see 40 CFR § 122.23(a)(1)). Owners or operators of facilities with interim status who do not comply with these requirements are precluded from managing these wastes after May 12, 1981.

Persons handling distillation residues from toluene diisocyanate production (§ 261.32 Hazardous Waste No. K027), who have not notified the Agency of their activities, and (in the case of existing facilities) have not filed a permit application and who failed to take these actions because of reliance on the listing description of this waste, which was promulgated on May 19, 1980, must comply with all applicable standards for hazardous waste generators, transporters, and owners or operators of hazardous waste management facilities set forth in 40 CFR Parts 262 through 265 and 122 through 124 by May 12, 1981.

The owners or operators of existing facilities which treat, store, or dispose of this waste which have not already qualified for interim status and who wish to qualify for interim status, must file a notification by February 19, 1981, provided that the failure to notify and file a permit application was due to reliance on the listing description of this waste which was promulgated on May 19, 1980.

Address Information Continued

Among other things, the docket will contain background documents which explain, in more detail than the preamble to this regulation, the basis for many of its provisions. These background documents are not available immediately but are expected to become available within the next two weeks. The Agency believes it important to provide notice on the final waste listings to the regulated community as soon as possible before November 19, 1980 and so is publishing this regulation slightly in advance of the availability of revised background documents.

I. Finalization of §§ 261.31 and 261.32 Hazardous Waste Lists

On May 19, 1980, as part of its final and interim final regulations implementing Section 3001 of RCRA, EPA published a list of hazardous wastes (Subpart D of Part 261) which included 85 wastes from manufacturing processes (§§ 261.31 and 261.32, 45 FR 33123–33124). These lists were published in interim final form to allow the public an opportunity to comment on additional data the Agency had collected on these wastes since the close of the initial public comment period on the proposed Subtitle C regulations (43 FR 58956–58959, December 18, 1978).

At the same time, the Agency also proposed for comment eleven additional hazardous waste listings (45 FR 33100–33137, May 19, 1980). All of these wastes were identified by the Agency in the course of developing the necessary technical data to support the May 19, 1980, interim final hazardous waste list.

The Agency received a large number of comments on both the interim final and proposed hazardous waste listings. We have evaluated these comments carefully and proposed changes in the respective listing background documents. We are setting forth in this preamble our disposition of the listings published in interim final and proposed form on May 19, 1980 and also summarizing the basis for our actions as to each of these listings.

A. Wastes for Which No Comments Were Received and No Changes Were Made to the Hazardous Waste Listings or Respective Background Documents

No comments were received on thirty-five of the hazardous waste listings published on May 19, 1980. In addition, the Agency is not making any substantive changes to either the hazardous waste listings or to the respective background documents as a result of its evaluation of these listings. Included in this category are wastes from the production of organic chemicals, pesticides, explosives, ferrous and nonferrous metals, and wastes from the petroleum refining industry. We therefore are promulgating all of these listings as final regulations.*

B. Wastes for Which Modifications Were Made to the Respective Listing Background Documents as a Result of Independent Agency Re-Evaluation

For sixteen other hazardous waste listings, the Agency decided to revise

*Our authority for this action is the recent amendment to Section 3010(a) of RCRA contained in the Solid Waste Disposal Act Amendments of 1980 (P.L. 96-452, (October 21, 1980)), which amendment leaves the requirement for notification following revision of the Section 3001 regulations to the discretion of the Administrator.

*No comments were received challenging the hazardousness of certain wastes generated during primary copper, lead, and zinc production (Hazardous Waste Nos. K064–068). However, challenges have been raised as to the Agency's authority to regulate these wastes as well as certain wastes from metal recovery operations (Hazardous Waste Nos. F013–015), based upon a recent amendment to RCRA contained in the Solid Waste Disposal Act Amendments of 1980 (Pub. L. 96-482 (October 21, 1980)) which prohibit EPA from regulating, under Subtitle C of RCRA, solid wastes from the extraction, beneficiation and processing of ores and minerals until certain studies and rulemaking are completed. The Agency is uncertain about whether the scope of the statutory amendment covers the aforementioned listed wastes. Therefore, it is going ahead with the finalization of these listed wastes in this action, but with the understanding that, in a separate rulemaking action, it might void these final listings, in whole or in part, by promulgation of an exclusion under § 261.4(b) to implement the statutory amendment.

the respective listing background documents largely as a result of our own re-evaluation of these documents, rather than because of public comment. The substantive points addressed in the revised background documents are: (1) retention of chromium as a hazardous waste constituent, (2) removal of chemical tars as a hazardous waste constituent, and (3) removal of quinones as a hazardous waste constituent. No wastes were deleted from the hazardous waste list due to these revisions, but chemical tars and quinones have been deleted as constituents of concern from a number of these waste streams.

(1) *Retention of Chromium as a Hazardous Waste Constituent*—In a previous rulemaking action, the Agency has indicated that its principal regulatory concern in regulating chromium-bearing wastes under the hazardous waste management program is hexavalent chromium rather than total chromium (see 45 FR 72029, (October 30, 1980)). In that action, we proposed to amend the characteristic of EP toxicity to apply to hexavalent chromium rather than total chromium, temporarily excluded certain trivalent chromium-containing wastes from Subtitle C regulation, and deleted (from § 261.32) wastes from the leather tanning and finishing industry and from the production of titanium dioxide by the chloride process.

In taking these actions, we also reviewed all of the other interim final and proposed waste listings which listed chromium as a waste constituent of concern, and re-evaluated these wastes to determine if they should continue to be listed due to the presence of chromium. These chromium-containing wastes are generated in electroplating operations (§ 261.31 Hazardous Waste No. F006), in the manufacture of inorganic pigments (§ 261.32 Hazardous Waste Nos. K002–K008), in petroleum refining operations (§ 261.32 Hazardous Waste Nos. K048–K051), in the iron and steel industry (§ 261.32 Hazardous Waste Nos. K061–K063), and in secondary lead smelting (§ 261.32 Hazardous Waste No. K069 and a proposed listing). The Agency has concluded that all of these chromium-bearing wastes should continue to be listed as hazardous due to their chromium content because all derive from processes which use or produce a waste which contains hexavalent chromium, and all are expected to contain significant concentrations of hexavalent chromium. The basis for this conclusion is explained in the preambles to our respective interim final and final actions dealing with chromium (*see* 45 *FR* at 72035–72039) (October 30, 1980). We also have revised the respective listing background documents to indicate why we believe these wastes contain hexavalent chromium in significant concentrations.*

(2) *Removal of Chemical Tars as a Toxic Constituent*—The Agency listed chemical tars as hazardous constituents of concern in three waste streams: distillation light ends and distillation bottoms from the production of phthalic anhydride from naphthalene (Hazardous Waste Nos. K023 and K024), and centrifuge and distillation residues from toluene diisocyanate production (Hazardous Waste No. K027). In re-evaluating the toxicity of chemical tars, the Agency believes that insufficient data is currently available to consider chemical tars as suspect carcinogens or otherwise toxic. Therefore, the Agency has removed chemical tars as a constituent of concern for these waste streams. We also have deleted chemical tars as constituents from Appendix VII to Part 261, and from the list of toxic chemical constituents in Appendix VIII to Part 261.

(3) *Removal of Quinones as a Hazardous Waste Constituent*—The Agency listed quinones as a hazardous constituent of concern in waste stream No. K094 (distillation bottoms from the production of phthalic anhydride from ortho-xylene). In re-evaluating the toxicity of these compounds, the Agency believes that insufficient data is currently available regarding the acute and chronic effects of the higher molecular weight quinones and their derivatives to support designating them as toxic constituents of a waste. The Agency would only expect to find the higher molecular weight quinones in Waste K094, based on the process chemistry. Therefore, the Agency has removed quinones as a constituent of concern for this waste stream. We also have deleted quinones as a constituent from Appendices VII to Part 261, and from the list of toxic chemical constituents in Appendix VIII to Part 261.

Existing toxicological data do, however, support the listing of benzoquinone and isomers, and these compounds will therefore be added to Appendix VIII of Part 261. Since the Agency's health effects document on quinones (Appendix A to the hazardous waste listing background documents) described the toxic effects of these compounds, we are not reproposing their inclusion.

C. Wastes for Which Comments Were Received But No Changes Were Made to the Hazardous Waste Listings

The Agency received comments disputing the hazardousness of or challenging aspects of the Agency's rationale for listing certain wastes from iron and steel manufacture (§ 261.32 Hazardous Waste No. K062) and from the production of acrylonitrile (Hazardous Waste Nos. K011, K013, K014), carbon tetrachloride (Hazardous Waste No. K016), epichlorohydrin (Hazardous Waste No. K017), ethyl chloride (Hazardous Waste No. K018), ethylene dichloride and vinyl chloride (Hazardous Waste Nos. K019–K020), fluoromethanes (Hazardous Waste No. K021), phenol/acetone from cumene (Hazardous Waste No. K022), 1,1,1-trichloroethane (Hazardous Waste Nos. K028–K029), 2,4,5-T (Hazardous Waste No. K042), 2,4-D (Hazardous Waste No. K043), explosives (Hazardous Waste Nos. K044–K045 and K047), and certain spent halogenated and non-halogenated solvents and the still bottoms from the recovery of these solvents (Hazardous Waste Nos. F001–F004). In evaluating these comments, the Agency did not agree with the substantive criticisms, and did not modify the listing description or the constituents which form the basis for listing the waste.* The applicable background documents now have been revised to respond to each comment.**

D. Wastes for Which Comments Were Received Which Resulted in Modifications to the Hazardous Waste Listings and to the Applicable Background Documents

Comments also were submitted on § 261.31 hazardous wastes F005, F006, F007–F012 and § 261.32 hazardous wastes K027 and K061. EPA has carefully reviewed these comments and concluded that the listing description or basis for listing (or both) should be changed. These amended hazardous waste listings are discussed below. More detailed discussion of the reasons for amending the listings or the basis for listing is contained in the applicable background documents.

(1) *Spent Non-Halogenated Solvents (Hazardous Waste No. F005)*—In our listing of spent non-halogenated

*As explained later in this preamble, however, some of these wastes are being deleted from the hazardous waste list for reasons other than whether they contain trivalent or hexavalent chromium.

*The various listing descriptions of spent solvents (Hazardous Wastes Nos. F001–004) have, however, been amended to correct grammatical errors. The listing description of waste F005 is being amended similarly.

**A summary of our responses are not possible here due to the number and diversity of comments.

solvents and still bottoms from the recovery of those solvents, we listed the solvents methanol and methyl isobutyl ketone as both toxic and ignitable. After reviewing the comments, we now believe that these solvents were erroneously listed as toxic. Methanol has a very low oral toxicity (Sax, N. Irving, *Dangerous Properties of Industrial Materials*, Fifth edition, Van Nostrand Reinhold Co., 1979) and in fact is a government-approved food additive. The principal chronic effects of methyl isobutyl ketone are eye and throat irritation and gastrointestinal upset. The Agency, therefore, will no longer list either solvent as a toxic waste. However, spent methanol and spent methyl isobutyl ketone will continue to be listed as ignitable wastes under Hazardous Waste No. F003 (rather than F005), since both are highly flammable.

(2) *Wastewater Treatment Sludges from Electroplating Operations (Hazardous Waste No. F006)*—A number of commenters argued that the listing, "wastewater treatment sludges from electroplating operations," was overbroad, including a number of processes which would not generate a hazardous waste because the hazardous waste constituents of concern—chromium, cadmium, nickel and cyanides—are not used in these processes and thus would not be expected to be present in the sludges.

The Agency agrees with these comments and has therefore modified this listing to exclude wastes generated by the following electroplating processes: (1) tin plating on carbon steel, (2) zinc plating (segregated basis) on carbon steel, (3) aluminum or zinc-aluminum plating on carbon steel, (4) all cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel, (5) sulfuric acid anodizing of aluminum, and (6) chemical etching and milling of aluminum.

The Agency also made one further change to the listing of electroplating wastewater treatment sludges. Certain comments challenged the listing of wastewater treatment sludges from the chemical conversion coating of aluminum. We disagree, largely because this plating process is both cyanide and hexavalent chromium-based. However, we believe that these sludges will not contain cadmium and nickel, two of the constituents of concern in other listed electroplating wastewater treatment sludges. We therefore are adopting in final form a separate listing designation for wastewater treatment sludges from chemical conversion coating of aluminum (Hazardous Waste No. F019) and indicating in Appendix VII that the waste constituents of concern are complexed cyanides and hexavalent chromium.

(3) *Spent Waste Cyanide Solutions and Sludges (Hazardous Waste Nos. F007–F012)*—A number of commenters have indicated that the Agency, in listing wastes F007 to F012, inadvertantly included wastes generated by processes that do not use cyanide salts or complexes, the sole constituent of concern for these wastes.[1]

In determining to list these wastes, the Agency intended only to include wastes that may contain cyanide salts or complexes because cyanide compounds are used in the process generating these wastes. Therefore, the hazardous waste listing description has been modified to make it clear that only those processes which use cyanide salts or complexes are covered by the listing.

We also received comments that solutions and sludges from precious metals electroplating and metal heat treating operations presently included within the scope of Hazardous Waste Nos. F007–F012 are not solid wastes because they are not "sometimes discarded" within the meaning of § 261.2 of the regulations. These solutions and sludges are instead always sent to metal recovery operations due to the value of the contained precious metals.

We agree with the commenters that these materials are not "solid wastes" under the current definition. We therefore are revising our listing description of wastes F007 to F012 to exclude solutions and sludges specifically generated by precious metals electroplating and metal heat treating operations.[2]

(4) *Wastes from the Production of Toluene Diisocyanate (Hazardous Waste No. K027)*—a. *Clarification of Listing*—One commenter indicated that the listing of "Centrifuge residue from toluene diisocyanate production" needed clarification since the listing background document described both centrifuge and distillation residues as hazardous wastes, while the waste listing description in § 261.32 specified only centrifuge residues.

The Agency agrees that a clarification is needed, and has amended the final listing description to clarify that wastes generated from both centrifuge and distillation units in the production of toluene diisocyanate are included. We believe that the original listing background document clearly reflected our intent to include residues from both centrifuge and distillation columns (since the wastes appear to be virtually identical in composition as explained in the initial listing background document) and therefore are not reproposing any aspect of this listing.

b. *Deletion of Certain Bases for Listing*—We are deleting chemical fate. (benzidinidazapone has a waste constituent of concern because of insufficient data as to their toxicity.

(5) *Emission Control Dust/Sludge from Electric Furnace Steel Production (Hazardous Waste No. K061)*—One commenter indicated that it is unclear if the listing of "emission control dust/sludge from the electric furnace production of steel" applied only to primary steel production or to both primary steel producers and to foundries using steel scrap in their electric furnace production.

In listing this waste stream, we intended only to include wastes from primary steel production. This intent is reflected in the listing background document, which refers throughout to primary steel production. We are uncertain whether foundry electric furnace emission control dusts and sludges are sufficiently similar in composition to warrant inclusion in the same listing, so we are evaluating the potential hazardousness of foundry industry wastes in separate actions. (*See* 44 *FR* at 49404 (August 22, 1979), and 45 *FR* 47838 (July 16, 1979) (proposing various waste streams from the foundry industry).)

E. Wastes for Which Comments Were Received Which Resulted in Deletion of the Wastes From the Hazardous Waste List

Certain of the wastes listed in interim final form were deleted from the list as a result of industry comment. Our basis for removing these wastes are discussed below and in the respective listing background documents. It must be emphasized, however, that it is still the responsibility of the generator of these wastes to evaluate the wastes to see if they exhibit any of the characteristics of hazardous waste.

(1) *Flotation Tailings From Selective Flotation From Mineral Metals Recovery Operations (§ 261.31*

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[1] This same comment was also made for Hazardous Waste No. F013, "Flotation tailings from selective flotation from mineral metals recovery operations." In response to other comments, however, this particular listing has been deleted from the hazardous waste list. See Section E for a more detailed discussion.

[2] We note, however, that we may in the future revise the definition of solid waste (§ 261.2), and that these materials may be included as solid wastes under a revised definition. Should the definition be amended so as to include this type of material, we do not intend to repropose a hazardous waste listing, since this listing has already been proposed and promulgated in interim final form, and the opportunity for public comment has been utilized fully.

Hazardous Waste No. F013)—In response to comments, the Agency has removed waste F013 from the hazardous waste list. It appears that the Agency overestimated the amount of complexed cyanides present in the waste. Specifically, reliable analytical data indicate that concentrations of complexed cyanides in this waste stream are very low and are present in a stable form, so that migration of free cyanides from this waste is unlikely to occur, and in any case would be quite unlikely to occur in significant concentrations. We thus do not believe that this waste would pose a substantial hazard to human health and the environment if improperly managed.

(2) *Dewatered Air Pollution Control Scrubber Sludges from Coke Ovens and Blast Furnaces (§ 261.31 Hazardous Waste No. F016)*—In response to comments, the Agency also has removed waste F016 from the hazardous waste list. As with flotation tailings, the Agency overestimated the amount of complexed cyanides contained in these wastes. Data also indicate that the cyanide present in this waste stream has low migratory potential. Therefore, the Agency does not believe that this waste, if improperly managed, would be capable of presenting a substantial hazard to human health and the environment.

(3) *Still Bottoms from the Final Purification of Acrylonitrile in the Production of Acrylonitrile (§ 261.32 Hazardous Waste No. K012)*—In reassessing the ultimate disposition of this particular waste, the Agency has learned, after contacting all the producers of acrylonitrile, that this by-product is always used as an intermediate product in the manufacturing process. It therefore is not a solid waste, as that term currently is defined (see § 261.2(c)(3)). Therefore, waste K012 has been removed from the hazardous waste list.*

(4) *Sludge from Lime Treatment of Spent Pickle Liquor from Steel Finishing Operations (§ 261.32 Hazardous Waste No. K063)*—We have decided to revise our regulatory approach to this waste stream. Several comments indicate that this waste may not be hazardous, particularly if the lime treatment process is conducted effectively. At the same time, however, insufficient data was submitted to warrant a conclusion that these wastes will typically and frequently not be hazardous. Our concern is that these wastes derive from a hazardous waste (spent pickle liquor from steel finishing (K062)) which may contain high concentrations of lead and chromium. These heavy metals not only will be present in the treated sludge, but will be found there in even more concentrated form. Since the waste is generated in large volumes, the potential for hazard appears substantial if uncontrolled leaching occurs. A number of damage incidents caused by improperly neutralized spent pickle liquor treatment sludges bear out our concern.

Under these circumstances, we have decided that these waste sludges still should be regulated as hazardous, but to delete these wastes from the hazardous waste list, and instead to rely on the provisions of § 261.3 to bring these wastes within the hazardous waste management system. Since these lime treatment sludges are generated from the treatment of a listed hazardous waste (K062), they are considered to be hazardous wastes (§ 261.3(c)(2)). Further, they remain hazardous wastes until they no longer meet any of the characteristics of hazardous waste and are delisted (§ 261.3(d)(2)).

The delisting provision (§ 260.22) requires petitioners to consider a range of factors in showing why a waste does not meet the criteria for listing contained in § 261.11(a)(3). Since our chief concern with these lime treatment sludges is whether they will leach significant concentrations of lead and chromium, we will consider delisting petitions for these wastes to be adequate if petitioners show that concentrations of lead and chromium in EP waste extracts are significantly less than the maximum concentration levels for lead and chromium contained in § 261.24, without requiring consideration of the other delisting factors. We also will consider an industry-wide rulemaking petition to exclude these wastes from RCRA Subtitle C jurisdiction if industry presents representative data showing the wastes are not hazardous.*

F. Wastes for Which No Final Action Will Be Taken By November 19, 1980

Five of the wastes listed in interim final and proposed form will not be finalized before the effective date of the regulations (November 19, 1980). Included are wastes generated from the wood preserving industry, wastes from the production of creosote, and wastes from the production of methomyl. Our reasons for delaying final action on these waste listings are discussed below:

(1) *Wastes From the Wood Preserving Industry (§ 261.32 Hazardous Waste No. K001 and a proposed listing)*—The American Wood Preservers Institute argued that the listing of wastes generated from the wood preserving industry (bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol (Hazardous Waste No. K001) and wastewater from wood preserving processes that use creosote and/or pentachlorophenol (a proposed listing)) was not adequately supported by the available data and argued further that regulation of these wastes should be deferred pending completion of the Agency's Rebuttable Presumption Against Registration (RPAR) evaluation of creosote and pentachlorophenol.

With respect to the proposed listing of process wastewater, we have decided not to finalize this listing in order to take more time to evaluate data contained in industry comments. With respect to the interim final listing of wastewater treatment bottom sediment sludges, the Agency believes this listing is supported by our present data. EPA also does not believe it should defer regulation of these wastes under RCRA until completion of the RPAR process, since that process is conducted pursuant to a statutory standard different from RCRA's, and moreover does not consider the composition of wood preserving manufacturing process wastes or their potential to cause substantial hazard if mismanaged.

We have decided, however, to allow additional opportunity for comment on the interim final listing of bottom sediment sludges (as well as on the proposed listing of process wastewater). Since the close of the comment period, the Agency has identified additional data which we believe further supports and strengthens our position. We have revised the listing background document to incorporate this information as well as additional information on process wastewater. In order to get the benefit of industry comment, we are re-opening the comment period on this additional data and on the revised listing background document.

The listing of bottom sediment wastewater treatment sludges will still take effect on November 19, 1980 as an interim final regulation. We see no prejudice in this action since the industry has had (and utilized) several opportunities for comment, and we believe that the additional data further supports the listing of waste stream

*As we indicated earlier in this preamble, the Agency is contemplating revising the definition of "solid waste" contained in § 261.2, which may have the effect of making these materials subject to Subtitle C regulation.

*Persons who generate, transport, treat, store or dispose of these lime treatment sludges are not required to notify the Agency of this activity, provided an appropriate notice already was filed with respect to waste No. K063.

K001. As stated above, the proposed listing of process wastewater will not be finalized at this time, and so will not become effective until finalized.

(2) *Wastes from the Production of Creosote (§ 261.32 Hazardous Waste No. K035 and a proposed listing)*—One commentor argued that many of the statements made in the listing background document on creosote production applied to unlisted waste streams or reflected incorrect information regarding the production process. In evaluating these comments, we now believe it more appropriate to speak of an integrated coke oven production process, of which the listed waste stream, wastewater treatment sludge from creosote production, is one of the integrated process wastes. We intend to propose in the near future an expanded listing to include wastes from by-product coke making production. At the same time, however, we believe that the listing background document, as revised to respond to comments, adequately supports the listing of creosote production wastewater treatment sludges, and we therefore are allowing this listing to take effect on November 19, 1980 as an interim final regulation.

We are evaluating more data concerning the proposed listing of creosote production process wastewater, and believe tentatively that this waste stream is more accurately viewed as part of an integrated production process. We therefore will not finalize our proposal at this time.

(3) *Wastewater From the Production of Methomyl (proposed listing)*—The two manufacturers of methomyl objected to the inclusion of this waste stream in the hazardous waste list. Among other things, they argued that methomyl, a principal constituent in the waste and the primary basis for listing, is not persistent in water, and so is unlikely to remain in process wastewater in significant concentrations.* Since the Agency has not had an opportunity to fully evaluate all of the available data on methomyl's persistence, we have decided to delay final action on this particular listing. The Agency expects to make a final decision on wastes from methomyl production within the next several months.

*Pyridene and methylene chloride are also included as a basis for listing this waste. However, as a result of comments, the Agency learned that pyridine is not expected to be present in the waste while methylene chloride is only expected to be present in the wastewater from one of the two plants.

II. Finalization of Appendices VII and VIII to Part 261

A. Appendix VII

Appendix VII to Part 261 sets forth the hazardous constituents for which each of the wastes in §§ 261.31 and 261.32 are listed. This appendix has been revised to reflect changes made in the underlying listings, and is being finalized in this revised form.

B. Appendix VIII

Appendix VIII to Part 261 contains a list of chemical constituents which have been shown in scientific studies to have toxic, carcinogenic, mutagenic or teratogenic effects on humans or other life forms. A solid waste will be listed as a toxic hazardous waste if it contains any of these designated constituents, unless, after consideration of a number of factors, the Administrator concludes that the waste is not capable of posing a substantial present or potential hazard to human health or the environment when improperly managed (§ 261.11(a)(3)).

The Agency has received a number of comments on this Appendix which resulted in modifications to the list of toxic constituents, and also has made a number of changes to the listed constituents as a result of independent reevaluation. These changes are summarized below.*

A. Constituents Which Were Inadvertently Omitted From the List of Toxic Constituents

The Agency identified a number of toxic chemicals which were indicated as being toxic either in the respective listing background documents, or in §§ 261.24, 261.33, or Appendix VII to Part 261, but were omitted inadvertantly from Appendix VIII. We are correcting these omissions by adding these toxic constituents to Appendix VIII.

B. Constituents for Which Comments Were Received Which Resulted in the Deletion of the Constitutent From the List of Toxic Constituents

As indicated earlier in this preamble, the Agency has re-evaluated the toxicity of the solvent methanol and methyl isobutyl ketone, and has determined that they should not be listed as toxic wastes. We therefore are deleting methanol and methyl isobutyl ketone from Appendix VIII.

*When the Agency finalizes § 261.33 of the regulations, additional compounds also may be removed from Appendix VIII. However, none of the chemicals which may be deleted from § 261.33 are constituents of wastes listed in §§ 261.31 and 261.32, so we believe it appropriate to wait until we act on § 261.33 to make the corresponding changes to Appendix VIII.

C. Constituents for Which No Comments Were Received But Modifications Were Made To The List of Toxic Constituents

Finally, in reviewing the list of toxic constituents, the Agency has made several minor changes to this list to correct typographical errors, to remove duplications, and to clarify the identity of listed chemicals.

III. Technical Amendment to § 261.30(d)

§ 261.30(d) indicates that certain wastes listed in §§ 261.31 and 261.32 are subject to small quantity limitations less than the 1000 kg per month level established in § 261.5(a). The Agency has not, as yet, designated any such wastes.

A number of commenters found this provision confusing. For purposes of clarification, the Agency is therefore modifying the language of § 261.30(d) to indicate that no wastes presently are subject to this provision, but that wastes listed as acutely hazardous in §§ 261.31 and 261.32 in the future may be subject to lower limitation levels.

IV. The Status of Other Listed Wastes and Wastes Which the Agency Intends to List

To better inform the regulated community, the Agency adds a brief summary to its other listing activity (current and prospective) under the Subpart D regulations. Regulations at issue are the list of 261 commercial chemical products and manufacturing chemical intermediates in § 261.33 (promulgated in interim final form on May 19, 1980 (45 FR 33124–33126)), the interim final and proposed list of wastes from nonspecific and specific sources published on July 16, 1980 (45 FR 47832–47836), and the wastes mentioned in Appendix B of the May 19, 1980 preamble to the hazardous waste regulations (45 FR 33118–33119) which the Agency indicated would be promulgated in final form by Fall, 1980.

The Agency expects to promulgate final or interim final listings according to the following time table:

A. List of Commercial Chemical Products (§ 261.33)

The Agency expects to finalize the list of commercial chemical products and manufacturing chemical intermediates before the November 19, 1980 effective date of these regulations. We anticipate removing ethylenediamine (Hazardous Waste No. P053), N-nitrosodiphenylamine (Hazardous Waste No. P083), oleyl alcohol condensed with 2 moles ethylene oxide (Hazardous Waste No. P086), and 1,2-

[illegible] (Hazardous Waste No. [illegible]) from the § 261.33(e) and (f) lists. Most questions of interpretation of § 261.33 will be deferred, however, until [illegible] regulatory interpretation [illegible] which is expected by the end of the year.

B. List of Additional Hazardous Wastes (July 16, 1980)

The Agency contemplates finalizing these listings in December, 1980. The effective date of these listings is January [illegible], 1981.

C. Appendix B Listings

Due to other priorities, the Agency will not promulgate these listings by the fall of this year, but does expect to take final action by the Spring of 1981.

V. Economic, Environmental and Regulatory Impacts

In accordance with Executive Order 11821, as amended by Executive Order 11949 and Executive Order 12044, EPA has prepared an Economic Impact Analysis and a Regulatory Analysis of the hazardous waste program promulgated on May 19, 1980. The effect of today's action reduces the overall cost economic impact and reporting and recording impact of EPA's hazardous waste management regulations, since the scope of Subtitle C jurisdiction is being reduced. Since this action will decrease the regulatory impact of the Subtitle C regulatory program, we have not prepared a new Economic Impact Analysis or Regulatory Analysis. The Agency has also voluntarily prepared an Environmental Impact Statement on the program under the National Environmental Policy Act, 42 U.S.C. 4321 et seq.

Dated: November 4, 1980.

Douglas M. Costle,

Administrator.

Title 40, Part 261 of the Code of Federal Regulations is finalized as follows:

1. § 261.31 (Hazardous waste from nonspecific sources) is revised to read as follows:

§ 261.31 Hazardous waste from nonspecific sources.

Industry and EPA hazardous waste No.	Hazardous waste	Hazard code
Generic:		
F001	The following spent halogenated solvents used in degreasing: tetrachloroethylene, trichloroethylene, methylene chloride, 1,1,1-trichloroethane, carbon tetrachloride, and chlorinated fluorocarbons; and sludges from the recovery of these solvents in degreasing operations.	(T)
F002	The following spent halogenated solvents: tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, ortho-dichlorobenzene, and trichlorofluoromethane; and the still bottoms from the recovery of these solvents.	(T)
F003	The following spent non-halogenated solvents: xylene, acetone, ethyl acetate, ethyl benzene, ethyl ether, methyl isobutyl ketone, n-butyl alcohol, cyclohexanone, and methanol; and the still bottoms from the recovery of these solvents.	(I)
F004	The following spent non-halogenated solvents: cresols and cresylic acid, and nitrobenzene; and the still bottoms from the recovery of these solvents.	(T)
F005	The following spent non-halogenated solvents: toluene, methyl ethyl ketone, carbon disulfide, isobutanol, and pyridine; and the still bottoms from the recovery of these solvents.	(I, T)
F006	Wastewater treatment sludges from electroplating operations except from the following processes: (1) sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning/stripping associated with tin, zinc and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.	(T)
F019	Wastewater treatment sludges from the chemical conversion coating of aluminum.	(T)
F007	Spent cyanide plating bath solutions from electroplating operations (except for precious metals electroplating spent cyanide plating bath solutions).	(R, T)
F008	Plating bath sludges from the bottom of plating baths from electroplating operations where cyanides are used in the process (except for precious metals electroplating plating bath sludges).	(R, T)
F009	Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process (except for precious metals electroplating spent stripping and cleaning bath solutions).	(R, T)
F010	Quenching bath sludge from oil baths from metal heat treating operations where cyanides are used in the process (except for precious metals heat-treating quenching bath sludges).	(R, T)
F011	Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations (except for precious metals heat treating spent cyanide solutions from salt bath pot cleaning).	(R, T)
F012	Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used in the process (except for precious metals heat treating quenching wastewater treatment sludges).	(T)
F014	Cyanidation wastewater treatment tailing pond sediment from mineral metals recovery operations.	(T)
F015	Spent cyanide bath solutions from mineral metals recovery operations	(R, T)

[illegible]rdous wastes from specific sources) is revised to read as

261.32 Hazardous wastes from specific sources.

Industry and EPA hazardous waste No.	Hazardous waste	Hazard code
Wood Preservation:		
K001	Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote and/or pentachlorophenol.	(T)
Inorganic Pigments:		
K002	Wastewater treatment sludge from the production of chrome yellow and orange pigments.	(T)
K003	Wastewater treatment sludge from the production of molybdate orange pigments.	(T)
K004	Wastewater treatment sludge from the production of zinc yellow pigments.	(T)
K005	Wastewater treatment sludge from the production of chrome green pigments.	(T)
K006	Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).	(T)
K007	Wastewater treatment sludge from the production of iron blue pigments.	(T)
K008	Oven residue from the production of chrome oxide green pigments.	(T)
Organic Chemicals:		
K009	Distillation bottoms from the production of acetaldehyde from ethylene.	(T)
K010	Distillation side cuts from the production of acetaldehyde from ethylene.	(T)
K011	Bottom stream from the wastewater stripper in the production of acrylonitrile.	(R, T)
K013	Bottom stream from the acetonitrile column in the production of acrylonitrile.	(R, T)
K014	Bottoms from the acetonitrile purification column in the production of acrylonitrile.	(T)
K015	Still bottoms from the distillation of benzyl chloride.	(T)
K016	Heavy ends or distillation residues from the production of carbon tetrachloride.	(T)
K018	Heavy ends (still bottoms) from the purification column in the production of ethylene dichloride.	(T)
K017	Heavy ends from the purification column in vinyl chloride production.	(T)
K019	Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.	(T)
K020	Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.	(T)
K021	Aqueous spent antimony catalyst waste from fluoromethanes production.	(T)
K022	Distillation bottom tars from the production of phenol/acetone from cumene.	(T)
K023	Distillation light ends from the production of phthalic anhydride from naphthalene.	(T)
K024	Distillation bottoms from the production of phthalic anhydride from naphthalene.	(T)
K093	Distillation light ends from the production of phthalic anhydride from orthoxylene.	(T)
K094	Distillation bottoms from the production of phthalic anhydride from orthoxylene.	(T)
K025	Distillation bottoms from the production of nitrobenzene by the nitration of benzene.	(T)
K026	Stripping still tails from the production of methyl ethyl pyridines.	(T)
K028	Centrifuge and distillation residues from toluene diisocyanate production.	(R, T)
K027	Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.	(T)
K029	Waste from the product steam stripper in the production of 1,1,1-trichloroethane.	(T)
K095	Distillation bottoms from the production of 1,1,1-trichloroethane.	(T)
K096	Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane.	(T)
K030	Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene.	(T)
Pesticides:		
K031	By-product salts generated in the production of MSMA and cacodylic acid.	(T)
K032	Wastewater treatment sludge from the production of chlordane.	(T)
K033	Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.	(T)
K034	Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane.	(T)
K097	Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.	(T)
K035	Wastewater treatment sludges generated in the production of creosote.	(T)
K036	Still bottoms from toluene reclamation distillation in the production of disulfoton.	(T)
K037	Wastewater treatment sludges from the production of disulfoton.	(T)
K038	Wastewater from the washing and stripping of phorate production.	(T)
K039	Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate.	(T)
K040	Wastewater treatment sludge from the production of phorate.	(T)
K041	Wastewater treatment sludge from the production of toxaphene.	(T)
K098	Untreated process wastewater from the production of toxaphene.	(T)
K042	Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.	(T)
K043	2,6-Dichlorophenol waste from the production of 2,4-D.	(T)
K099	Untreated wastewater from the production of 2,4-D.	(T)
Explosives:		
K044	Wastewater treatment sludges from the manufacturing and processing of explosives.	(R)
K045	Spent carbon from the treatment of wastewater containing explosives.	(R)
K046	Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.	(R)
K047	Pink/red water from TNT operations.	(R)
Petroleum Refining:		
K048	Dissolved air flotation (DAF) float from the petroleum refining industry.	(T)
K049	Slop oil emulsion solids from the petroleum refining industry.	(T)
K050	Heat exchanger bundle cleaning sludge from the petroleum refining industry.	(T)
K051	API separator sludge from the petroleum refining industry.	(T)
K052	Tank bottoms (leaded) from the petroleum refining industry.	(T)

Industry and EPA hazardous waste No.	Hazardous waste	Hazard code
Iron and Steel:		
K060	Ammonia still lime sludge from coking operations.	(T)
K061	Emission control dust/sludge from the primary production of steel in electric furnaces.	(T)
K062	Spent pickle liquor from steel finishing operations	(C, T)
Primary Copper:		
K064	Acid plant blowdown slurry/sludge resulting from the thickening of blowdown slurry from primary copper production.	(T)
Primary Lead:		
K065	Surface impoundment solids contained in and dredged from surface impoundments at primary lead smelting facilities.	(T)
Primary Zinc:		
K066	Sludge from treatment of process wastewater and/or acid plant blowdown from primary zinc production.	(T)
K067	Electrolytic anode slimes/sludges from primary zinc production	(T)
K068	Cadmium plant leachate residue (iron oxide) from primary zinc production.	(T)
Secondary Lead:		
K069	Emission control dust/sludge from secondary lead smelting.	(T)
K100	Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting.	(T)

* These waste listings take effect on (six months after publication).
** These waste listings take effect on November 19, 1980 as interim final regulations.

3. Appendix VII (Basis of Listing Hazardous Wastes) of Part 261, is revised to read as follows:

EPA hazardous waste No.	Hazardous constituents for which listed
F001	Tetrachloroethylene, methylene chloride trichloroethylene, 1,1,1-trichloroethane, carbon tetrachloride, chlorinated fluorocarbons.
F002	Tetrachloroethylene, methylene chloride, trichloro-ethylene, 1,1,1-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, ortho-dichlorobenzene, trichlorofluoromethane.
F003	NA.
F004	Cresols and cresylic acid, nitrobenzene.
F005	Toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine.
F006	Cadmium, hexavalent chromium, nickel, cyanide (complexed).
F019	Hexavalent chromium, cyanide (complexed).
F007	Cyanide (salts).
F008	Cyanide (salts).
F009	Cyanide (salts).
F010	Cyanide (salts).
F011	Cyanide (salts).
F012	Cyanide (complexed).
F014	Cyanide (complexed).
F015	Cyanide (salts).
K001	Pentachlorophenol, phenol, 2-chlorophenol, p-chloro-m-cresol, 2,4-dimethylphenyl, 2,4-dinitrophenol, trichlorophenols, tetrachlorophenols, 2,4-dinitrophenol, creosote, chrysene, naphthalene, fluoranthene, benzo(b)fluoranthene, benzo(a)pyrene, indeno(1,2,3-cd)pyrene, benz(a)anthracene, dibenz(a)anthracene, acenaphthalene.
K002	Hexavalent chromium, lead.
K003	Hexavalent chromium, lead.
K004	Hexavalent chromium.
K005	Hexavalent chromium, lead.
K006	Hexavalent chromium.
K007	Cyanide (complexed), hexavalent chromium.
K008	Hexavalent chromium.
K009	Chloroform, formaldehyde, methylene chloride, methyl chloride, paraldehyde, formic acid.
K010	Chloroform formaldehyde, methylene chloride, methyl chloride, paraldehyde, formic acid, chloroacetaldehyde.
K011	Acrylonitrile, acetonitrile, hydrocyanic acid.
K013	Hydrocyanic acid, acrylonitrile, acetonitrile.
K014	Acetonitrile, acrylamide.
K015	Benzyl chloride, chlorobenzene, toluene, benzotrichloride.
K016	Hexachlorobenzene, hexachlorobutadiene, carbon tetrachloride, hexachloroethane, perchloroethylene.
K017	Epichlorohydrin, chloroethers [bis(chloromethyl) ether and bis (2-chloroethyl) ethers], trichloropropane, dichloropropanols.
K018	1,2-dichloroethane, trichloroethylene, hexachlorobutadiene, hexachlorobenzene.
K019	Ethylene dichloride, 1,1,1-trichloroethane, 1,1,2-trichloroethane, tetrachloroethanes (1,1,2,2-tetrachloroethane and 1,1,1,2-tetrachloroethane), trichloroethylene, tetrachloroethylene, carbon tetrachloride, chloroform, vinyl chloride, vinylidene chloride.
K020	Ethylene dichloride, 1,1,1-trichloroethane, 1,1,2-trichloroethane, tetrachloroethanes (1,1,2,2-tetrachloroethane and 1,1,1,2-tetrachloroethane), trichloroethylene, tetrachloroethylene, carbon tetrachloride, chloroform, vinyl chloride, vinylidene chloride.
K021	Antimony, carbon tetrachloride, chloroform.
K022	Phenol, tars (polycyclic aromatic hydrocarbons).
K023	Phthalic anhydride, maleic anhydride.
K024	Phthalic anhydride, 1,4-naphthoquinone.
K093	Phthalic anhydride, maleic anhydride.
K094	Phthalic anhydride.
K025	Meta-dinitrobenzene, 2,4-dinitrotoluene.
K026	Paraldehyde, pyridines, 2-picoline.
K027	Toluene diisocyanate, toluene-2,4-diamine.
K028	1,1,1-trichloroethane, vinyl chloride.
K029	1,2-dichloroethane, 1,1,1-trichloroethane, vinyl chloride, vinylidene chloride, chloroform.
K095	1,1,2-trichloroethane, 1,1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane.
K096	1,2-dichloroethane, 1,1,1-trichloroethane, 1,1,2-trichloroethane.
K030	Hexachlorobenzene, hexachlorobutadiene, hexachloroethane, 1,1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane, ethylene dichloride.
K031	Arsenic.
K032	Hexachlorocyclopentadiene.
K033	Hexachlorocyclopentadiene.
K034	Hexachlorocyclopentadiene.
K097	Chlordane, heptachlor.
K035	Creosote, chrysene, naphthalene, fluoranthene benzo(b)fluoranthene, benzo(a)pyrene, indeno(1,2,3-cd)pyrene, benzo(a)anthracene, dibenzo(a)anthracene, acenaphthalene.
K036	Toluene, phosphorodithioic and phosphorothioic acid esters.
K037	Toluene, phosphorodithioic and phosphorothioic acid esters.
K038	Phorate, formaldehyde, phosphorodithioic and phosphorothioic acid esters.
K039	Phosphorodithioic and phosphorothioic acid esters.
K040	Phorate, formaldehyde, phosphorodithioic and phosphorothioic acid esters.
K041	Toxaphene.
K098	Toxaphene.
K042	Hexachlorobenzene, ortho-dichlorobenzene.
K043	2,4-dichlorophenol, 2,6-dichlorophenol, 2,4,6-trichlorophenol.
K099	2,4-dichlorophenol, 2,4,6-trichlorophenol.
K044	NA.
K045	NA.
K046	Lead.
K047	NA.
K048	Hexavalent chromium, lead.
K049	Hexavalent chromium, lead.
K050	Hexavalent chromium.
K051	Hexavalent chromium, lead.
K052	Lead.
K060	Cyanide, naphthalene, phenolic compounds, arsenic.
K061	Hexavalent chromium lead, cadmium.
K062	Hexavalent chromium lead.
K064	Lead, cadmium.
K065	Lead, cadmium.
K066	Lead, cadmium.
K067	Lead, cadmium.
K068	Lead, cadmium.
K069	Hexavalent chromium, lead, cadmium.
K100	Hexavalent chromium, lead, cadmium.

NA—Waste is hazardous because it fails the test for the characteristic of ignitability, corrosivity, or reactivity.

4. In Appendix VIII of Part 261, add the following constituents alphabetically:

—Benzoquinone and isomers
—Coal Tars
—Cresol
—Cresylic acid
—Chlorinated fluorocarbons
—Hydrofluoric acid
—Iron Dextran
—Methoxychlor
—2-Picoline
—Resorcinol

5. In Appendix VIII of Part 261, delete the following compound:

—Methanol
—Methyl Isobutyl Ketone

6. In Appendix VIII of Part 261, the following errors are corrected as follows:

a. delete (Acetato)phenylmercury

b. Change trans-2,3,-Dichloroethane to trans-2,3-dichloroethene

c. Change Urethane to Ethyl carbamate (urethan)

d. Change 2,6-Dinitrotoluene Di-n-octyl phthalate to read as two compounds: 2,6-Dinitrotoluene, Di-n-octyl phthalate.

§ 261.30 [Amended]

7. Revised § 261.30(d) to read as follows:

* * * * *

(d) The following hazardous wastes listed in § 261.31 or § 261.32 are subject to the exclusion limits for acutely hazardous wastes established in § 261.5: [Reserved]

[FR Doc. 80-35243 Filed 11-7-80; 11:19 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

(SWH-FRL 1664-8)

Hazardous Waste Management System; Identification and Listing of Hazardous Waste

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rule.

SUMMARY: Pursuant to Sections 3001 and 7004 of the Resource Conservation and Recovery Act (RCRA), as amended, and in response to a petition for rulemaking filed by Envirex, Inc., the Environmental Protection Agency today is proposing to amend the listings of two of the hazardous wastes generated by the petroleum refining industry which the Agency promulgated in "final-final" form in another section of today's Federal Register. The amendment would list as hazardous wastes all sludges from primary and secondary oil/solids/water separation in the petroleum refining industry. If this action becomes effective, the scope of the hazardous waste listing for wastes from petroleum refining operations will be broadened, making additional petroleum refining wastes subject to the management standards issued by EPA under Sections 3002 through 3006 and 3010 of RCRA (40 CFR Parts 262 through 265 and 122 through 124 and 45 FR 12746 (February 26, 1980)).

DATES: EPA will accept public comment on this proposal until January 12, 1981. Any person may request a hearing on this proposal by filing a request by December 3, 1980.

ADDRESSES: Comments should be addressed to the Docket Clerk, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, Washington, D.C. 20460. Communications should identify the regulatory docket number which is "Petroleum Refining-Section 3001." The public docket for this proposed rulemaking is located in Room 2711, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460 and is available for viewing from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.
Hearings requests should be addressed to John P. Lehman, Director, Hazardous and Industrial Waste Division, Office of Solid Waste (WH-565), U.S. Environmental Protection Agency, Washington, D.C. 20460. The request must contain the information prescribed in 40 CFR § 260.20(d).

FOR FURTHER INFORMATION CONTACT: Mr. Matthew A. Straus, Office of Solid Waste (WH-565), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, (202) 755-9187.

SUPPLEMENTARY INFORMATION: On May 19, 1980, as part of its initial regulations implementing Section 3001 of RCRA, EPA published in interim final form a list of hazardous wastes (Subpart D of this Part), which included five wastes generated by the petroleum refining industry (§ 261.32, 45 FR 33123). Among the listed petroleum refining industry wastes were "Dissolved air flotation (DAF) float from the petroleum refining industry (K048)," and "API separator sludge from the petroleum refining industry (K051)." These wastes are generated as a result of treatment of wastewater from petroleum refineries. These particular listings were promulgated in "final-final" form in another section of today's Federal Register.

On September 5, 1980, the Agency received a rulemaking petition from Envirex, Inc.* requesting that the Agency amend these two listings (i.e. of wastes K048 and K051) to read "Secondary (emulsified) oil/solids/water separator sludge in the petroleum refining industry" and "Primary oil/solids/water separation sludge in the petroleum refining industry", respectively.

The petitioner does not dispute the listings of DAF and API separator sludges. Quite the opposite. The petitioner argues that the May 19 listing descriptions are in fact under-inclusive. The fault, according to the petitioner, is that the listings are specific to particular types of equipment, namely the DAF and API separator. In fact (again according to the petitioner), *any* petroleum refinery sludge resulting from primary and secondary oil/solids/water separation will be comparably composed regardless of the type of equipment used in the separation step. For example, the petitioner pointed out that other processes, such as induced air flotation, parallel plate flotation separators, and dual media filters, perform the same function as the DAF and form a similar solids residue. Likewise, the API separator is only one of the many equipment types which function as a primary oil/solids/water separator (other processes producing similar sludges include corrugated plate separators, inclined plate separators, storm equalization lagoons and ballast waterholding tanks.)* The petitioner therefore requests that these two listings be modified to prevent unfair discrimination and possible adverse competitive consequences.

In reviewing and evaluating the petition, the Agency agrees that the listings must be modified to reflect the hazardous character of the wastes themselves, rather than the type of equipment or process generating the waste. More specifically, the Agency is tentatively persuaded that the present listing is too narrow since it specifies API separator sludge and DAF float, thereby omitting other petroleum wastes with similar compositions generated from processes and equipment other than API separators and DAF equipment. To adjust the scope of these listings, therefore, the Agency is proposing to amend the listing to the description recommended by the petitioner. The hazardous constituents of concern in these wastes are chromium and lead.

Economic, Environmental and Regulatory Impacts:

In accordance with Executive Order 11821, as amended by Executive Order 11949 and Executive Order 12044, EPA has prepared an Economic Impact Analysis and a Regulatory Analysis of the hazardous waste program. EPA does not believe that this proposed rule is a major action for the purposes of Executive Order 12044, so that preparation of a revised Economic Impact Analysis is not required. Furthermore, most of the costs to generators for management of these wastes are already covered in the Economic Impact Analysis and Regulatory Analysis cited above and made available for public review. EPA requests, however, that any data commenters have on the generation rates of the wastes listed in the proposal, current management costs and practices for these wastes, and the costs or economic impact of the proposed regulations be sent to the Docket Clerk at the address indicated above. The Agency has also voluntarily prepared an Environmental Impact Statement on the program under the National Environmental Policy Act, 42 U.S.C. 4321 et seq.

Dated: November 4, 1980.

Douglas M. Costle,

Administrator.

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* Envirex, Inc. is a manufacturer of sewage, water, waste treatment and water conditioning equipment for many uses, including applications in the petroleum refining industry.

*The petitioner cited "Development Document for Effluent Limitations, Guidelines and Standards for the Petroleum Refining Point Source Category" (EPA No. 440/7-79/014-b) in support of the above comments on process waste identification.

federal register

Tuesday
March 3, 1992

Part IV

Environmental Protection Agency

40 CFR Part 261

Hazardous Waste Management System; Definition of Hazardous Waste; "Mixture" and "Derived-From" Rules; Interim Final Rule

form, while requesting comment on them. The Agency received many comments on the rules, and also participated in settlement discussions with all of the petitioners who challenged the rules. As a result of the comments and discussions, EPA amended the rules in 1981 to exempt certain wastewater management practices from the "mixture" rule and to make certain other changes (see CFR 261.3(a)(2) (iii) and (iv), 46 FR 56588, November 17, 1981). The Agency has also amended these rules several times since 1981 to create other exceptions to the "mixture" and "derived-from" rules (see 40 CFR 261.2(c)(ii)).

C. Court Decision

Numerous petitions for judicial review were brought to challenge the May 19, 1980 final rules. One of the challenges alleged that the definition of hazardous waste proposed on December 18, 1978 did not adequately discuss the "mixture" and "derived-from" rules promulgated in the final regulations. The petitioners thus argued that they were deprived of adequate notice and opportunity to comment as required by the Administrative Procedure Act (APA) (5 U.S.C. 553(b)).

On December 6, 1991, the court ruled that the 1978 proposal did not adequately provide notice of either rule and that the petitioners thus did not have sufficient opportunity to comment (*Shell Oil Co.* v. *EPA*, no. 80–1532 *et al.* (D.C. Cir., December 6, 1991)). The court vacated the rules and remanded them to the Agency because of procedural defects. However, the court did not address any of the substantive issues raised by the petitioners concerning the rules. On January 21, 1992, EPA filed a petition requesting that the court reconsider its decision. The court denied this petition on February 12, 1992.

In its December 6, 1991 decision, the court recognized the dangers that may be posed by a discontinuity in the regulation of hazardous waste, and suggested that the Agency could reinstate the rules in whole or in part on an emergency basis under the "good cause" exemption of the APA. Such a reinstatement would prevent disruption in ongoing implementation of the hazardous waste program while allowing EPA to request comment on the rules and cure the procedural defect.

III. EPA's Response to the Court Decision: Reasons for Reinstatement

Today's rule responds to the court's suggestion that EPA reinstate the rules on an interim basis pending full notice and comment. EPA is aware of concerns that have arisen about the rules since they were first promulgated in 1980. Nevertheless, EPA believes that interim reinstatement is important because human health and the environment could be harmed and the national hazardous waste program significantly disrupted if the rules were allowed to lapse. The total effect of a disappearance of the "mixture" and "derived-from" rules is difficult to foresee, but it is clear that the consequences could be serious. Following are some possible effects of a lapse in the rules.

Environmental Effects

If the rules were not in effect, the federal regulations would still apply to listed hazardous wastes when the wastes were generated, but the status of these wastes under subtitle C after they were managed or mixed would be thrown into question. The Agency has acknowledged that, in some cases, these wastes may present little risk. Nevertheless, many wastes are still toxic after they are managed or mixed, often presenting the same hazard as when the waste was generated. EPA notes that some hazardous waste listings were based on information about environmental damage caused in the mixed or derived-from state of the waste. For example, leachate from hazardous waste which has been disposed of is produced by liquid percolating through the waste; it sometimes contains heavy metals and organic materials which render it highly toxic. Treatment residues, by definition, contain waste constituents which were removed during treatment or which were not completely destroyed by treatment. Wastewaters from facilities that treat hazardous waste may contain significant amounts of the toxic substances that were in the wastes. Ash from incinerating hazardous wastes often contains heavy metals and, if combustion is not complete, undestroyed toxic organic materials. EPA has placed in the docket for this notice data indicating that "mixture" and "derived-from" wastes can contain high concentrations of hazardous constituents.

The Agency acknowledges that some "mixture" and "derived-from" wastes would still be covered under existing regulations. An interpretation of the regulations under which the slightest mixing or management rendered a listed waste non-hazardous would clearly be unreasonable. Nevertheless, if the rules were no longer in effect, the possibility of confusion and erroneous waste classifications would surely increase, resulting in greater potential for harm to human health and the environment.

For example, if the "mixture" and "derived-from" rules were not in effect, some wastes might be mistakenly classified as non-hazardous and disposed of in a municipal landfill or unregulated industrial landfill. EPA could find it extremely difficult to track these disposals, so that any environmental problems they caused might be exacerbated by delay and could ultimately require more costly cleanups. It is true that the current land disposal restrictions (LDR) program would require treatment and tracking of certain mixed and derived-from wastes, since the LDR restrictions apply at the point of a waste's generation (see 55 FR at 22651–52, June 1, 1990). Likewise, the prohibition on dilution as a substitute for adequate treatment likewise normally applies at the point of generation (see 40 CFR 268.3(a)). As a result, those wastes restricted from land disposal which clearly meet the listing description at the point of generation would still be subject to the treatment standards of RCRA at 40 CFR part 268 (as well as the waste analysis, tracking and recordkeeping requirements associated with that program) even if the wastes were later mixed with other wastes, or, in some cases, even if subsequently managed (see 55 FR 22661).

However, wastes may be mixed with other wastes at the point of generation, so that they arguably would not meet the listing description at that point and so would not be subject to LDRs. In addition, the Agency's interpretation that the LDR program applies to wastes which are hazardous as generated, even if they are later rendered "non-hazardous" (i.e., they no longer meet the listing description) is subject of litigation in the D.C. Circuit Court of Appeals (see *Chemical Waste Management* v. *EPA*, No. 90–1230 (D.C. Cir.)). Some members of the regulated community will argue that their "derived-from" wastes no longer meet the listing description and thus would no longer be subject to LDRs. Moreover, the treatment process itself would not be regulated if only the LDRs applied to the waste. And finally, even if some wastes would be tracked under the LDR program, that program was not designed as a manifest system and would provide limited information. For example, LDR tracking does not require discrepancy reports, so that wastes which have allegedly been sent to a disposal facility but which do not arrive would not be accounted for.

Similarly, many mixed and derived-from wastes are not restricted from land disposal and thus are not subject to LDRs. If they were not hazardous

during the lengthy litigation (*Shell Oil* v. *EPA*, no. 80–1532 *et al.* (D.C. Cir., December 6, 1991) (slip op. at 7)). In remanding the rules to the Agency, the court suggested that they be immediately reenacted by EPA on an interim basis to avoid dangers from any discontinuity in the regulation of hazardous wastes. Slip op. at 20–21. EPA believes that the court's concern about regulatory discontinuity would be inconsistent with a decision that retroactively voided the rules. If the rules have been void since 1980, their reinstatement would greatly change, rather than preserve, the current program.

Moreover, the Agency believes that its interpretation of the court's decision is consistent both with relevant case law concerning the retroactivity of judicial decisions (see *Chevron Oil Co.* v. *Huson*, 404 U.S. 97 (1971), and with the general practice of the D.C. Circuit (see, e.g., *American Gas Association* v. *FERC*, 888 F. 2d 136, 150 (D.C. Cir. 1989)). EPA's action today to reinstate the rule and cure any procedural defect through notice and comment thus maintains the legal definition of "hazardous waste," along with the Agency's past interpretations of that definition.

V. Solite Decision

On December 31, 1991, the U.S. Court of Appeals for the D.C. Circuit issued a decision concerning mixtures of hazardous waste and wastes subject to the "Bevill" exclusion for mineral processing wastes (see *Solite Corp.* v. *EPA*, No. 89–1629 (D.C. Cir., December 31, 1991)). Following is the background of the *Solite* decision and EPA's interpretation of how the decision is related to today's rule.

On September 1, 1989 (54 FR 36592), EPA issued rules defining the scope of the "Bevill" exclusion for mineral processing wastes. In the context of that rulemaking, EPA announced that the "mixture rule" would apply to mixtures of listed hazardous wastes and Bevill-exempt solid wastes from mining and mineral processing, just as the rule applies to mixtures of listed wastes and any other non-hazardous solid waste. The Agency explained that its interpretation was consistent with the rationale for the "mixture rule," and would ensure that hazardous wastes would not be improperly excluded from subtitle C regulation merely by being mixed with a Bevill-exempt waste.

EPA also confirmed that the hazardous wastes characteristics also apply to mixtures of characteristically hazardous wastes and Bevill-exempt wastes from mining and mineral processing, unless the resulting mixture did not exhibit a characteristic or exhibited a characteristic imparted to the mixture solely from the Bevill-exempt wastes (see 40 CFR 261.3(a)(2)(i) and (iii)). The Agency was concerned that facilities would improperly dilute their non-exempt hazardous wastes under the protection of the Bevill amendment. EPA did, however, allow the mixing of characteristic wastes and Bevill-exempt wastes where the resulting mixture no longer exhibits the characteristic of the unmixed waste, giving some relief for Bevill facilities which manage exempt and non-exempt wastes together.

Several industry petitioners challenged the September 1, 1989 rules. Among the issues raised were the application of the "mixture rule" to Bevill-exempt mining and mineral processing wastes and the status of mixtures of characteristic wastes and Bevill-exempt wastes. On December 31, 1991, the U.S. Court of Appeals for the D.C. Circuit issued the *Solite* decision, which upheld the September 1, 1989 rules in nearly all respects. With respect to the "mixture rule," however, the court remanded the issue to the Agency without opinion. The court noted that—

> (I)n extending the Subtitle C mixture rule to the Bevill context, EPA assumed the validity of that rule. . . . Were the Subtitle C mixture rule still in place, the Bevill mixture rule might well constitute a reasonable extension of it. . . . If the EPA desires to and successfully does repromulgate the Subtitle C rule, it will similarly be able to repromulgate the Bevill rule, and attempt to justify the latter by reference to the former. Alternatively, the Agency may wish to justify the Bevill rule on independent grounds.

(slip op. at 38–39).

The court's opinion did not explicitly address the status of EPA's rule change regarding the application of the hazardous waste characteristics to mixtures of Bevill-exempt wastes. The court in *Shell Oil* vacated the "mixture rule" of 40 CFR § 261.3(a)(2)(iv), which addresses mixtures of listed wastes and other solid wastes. Thus, to the extent that the *Solite* court addressed mixtures involving listed and Bevill wastes, today's action will reinstate the affected rules. However, since the *Shell Oil* court did not address mixtures of characteristic and Bevill wastes, that part of the decision by the *Solite* court appears to be in error. EPA is considering requesting clarification of this issue from the *Solite* court.

VI. Compliance With Other Requirements

A. Administrative Procedure Act (APA)

Section 553 of the APA generally requires federal agencies to provide notice in the **Federal Register** and opportunity for public comment before promulgating a rule. However, section 553(b)(3)(B) provides that the agency may promulgate a rule without prior notice and opportunity for public comment if the agency finds that such procedures would be "impracticable, unnecessary, or contrary to the public interest" with respect to the rule at issue. The finding of "good cause" and the reasons for the finding must be published with the rule.

EPA has ample "good cause" to repromulgate the RCRA "mixture" and "derived-from" rules without prior notice and comment. The court in *Shell Oil* specifically suggested that to avoid potential disruption of the hazardous waste management program from the remand, EPA should immediately reinstate the rules on an interim basis under the "good cause" exemption of the APA. *Shell Oil* v. *EPA*, No. 80–1532 *et al.* (D.C. Cir., December 6, 1991), slip op. at 21. This immediate reinstatement thus allows EPA to maintain the *status quo* until the Agency can cure the procedural defect identified by the court through notice and comment.

As discussed in detail earlier in today's notice, EPA believes that reinstating these rules on an interim basis is essential to prevent serious harm to human health and the environment and to avoid substantial confusion for the regulated community. As noted above, many States which implement the RCRA hazardous waste program support the Agency's assessment of the need for reinstatement. The Agency also believes that the need for reinstatement is immediate. The court's mandate vacating the rules may take effect seven days after denial of EPA's request for rehearing. Therefore, prior notice and opportunity for comment on the remanded rules is impracticable. If the Agency employed the full notice and comment procedures of section 553 of the APA before reinstatement, a lapse in the "mixture" and "derived-from" rules would be inevitable, with subsequent potential for serious damage to the environment. This would be contrary to the public interest. In addition, EPA believes that the necessity for prior notice and comment is significantly lessened by the fact that the rules in question have been implemented for over a decade, they are reinstated on an interim basis, and today's notice requests comment on the "mixture" and "derived-from" rules. Moreover, the Agency has already received a great deal of comment on these rules over the past 11 years. As noted above, much of

are produced in the manufacturing process. For purposes of this paragraph (a)(2)(iv)(D), "*de minimis*" losses include those from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers, leaks from pipes, valves or other devices used to transfer materials); minor leaks of process equipment, storage tanks or containers; leaks from well maintained pump packings and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; and rinstate from empty containers or from containers that are rendered empty by that rinsing; or

(E) Wastewater resulting from laboratory operations containing toxic (T) wastes listed in Subpart D of this part, *Provided*, That the annualized average flow of laboratory wastewater does not exceed one percent of total wastewater flow into the headworks of the facility's wastewater treatment or pre-treatment system, or provided the wastes, combined annualized average concentration does not exceed one part per million in the headworks of the facility's wastewater treatment or pre-treatment facility. Toxic (T) wastes used in laboratories that are demonstrated not to be discharged to wastewater are not to be included in this calculation.

(b) A solid waste which is not excluded from regulation under paragraph (a)(1) of this section becomes a hazardous waste when any of the following events occur:

(1) In the case of a waste listed in Subpart D of this part, when the waste first meets the listing description set forth in subpart D of this part.

(2) In the case of a mixture of solid waste and one or more listed hazardous wastes, when a hazardous waste listed in subpart D is first added to the solid waste.

(3) In the case of any other waste (including a waste mixture), when the waste exhibits any of the characteristics identified in subpart C of this part.

(c) Unless and until it meets the criteria of paragraph (d) of this section:

(1) A hazardous waste will remain a hazardous waste.

(2)(i) Except as otherwise provided in paragraph (c)(2)(ii) of this section, any solid waste generated from the treatment, storage, or disposal of a hazardous waste, including any sludge, spill residue, ash, emission control dust, or leachate (but not including precipitation run-off) is a hazardous waste. (However, materials that are reclaimed from solid wastes and that are used beneficially are not solid wastes and hence are not hazardous wastes under this provision unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal.)

(ii) The following solid wastes are not hazardous even though they are generated from the treatment, storage, or disposal of a hazardous waste, unless they exhibit one or more of the characteristics of hazardous waste:

(A) Waste pickle liquor sludge generated by lime stabilization of spent pickle liquor from the iron and steel industry (SIC Codes 331 and 332).

(B) Waste from burning any of the materials exempted from regulation by § 261.6(a)(3)(v) through (ix).

(d) Any solid waste described in paragraph (c) of this section is not a hazardous waste if it meets the following criteria:

(1) In the case of any solid waste, it does not exhibit any of the characteristics of hazardous waste identified in subpart C of this part.

(2) In the case of a waste which is a listed waste under subpart D of this part, contains a waste listed under subpart D of this part or is derived from a waste listed in subpart D of this part, it also has been excluded from paragraph (c) of this section under §§ 260.20 and 260.22 of this chapter.

(e) *Sunset provision.* Paragraphs (a)(2)(iv) and (c)(2)(i) of this section shall remain in effect only until April 28, 1993.

[FR Doc. 91-4255 Filed 3-2-91; 8:45 am]

BILLING CODE 6560-50-M

RMT Integrated Environmental Solutions

8607 Roberts Drive
Suite 100
Atlanta, GA 30350
Telephone: 770-641-9756
Fax: 770-642-0257

July 11, 2003

Mr. Jonathan Adenuga
Enforcement and Compliance Assistance
Waste, Pesticides, and Toxics Division
U.S Environmental Protection Agency, Region 5 (DE-9J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

Subject: Additional Information and Follow-up Sampling Plans Regarding Final Corrective Measures Development for Keystone Steel & Wire Company
EPA Site ID No.: ILD 000 714 881
RMT Project No.: 16-70400.07

Dear Mr. Adenuga:

This letter has been prepared by RMT, Inc. on behalf of Keystone Steel & Wire Company (Keystone), as a follow-up to recent discussions between United States Environmental Protection Agency (USEPA) Region 5 and Keystone representatives regarding the January 2003 *Final Corrective Measures Proposal* for the Peoria, Illinois facility. The information presented herein is to provide additional documentation regarding the status of the former East Sludge Pond, and notification of intent to perform follow-up sampling in this area and to perform representative sampling of sediment in the North and South Sludge Lagoons. These proposed sampling activities will provide additional data pertinent to the investigation of the corrective measures pursuant to the Administrative Order on Consent (AOC) between Keystone and USEPA Region 5 dated December 20, 2000.

History and Status of the East Sludge Pond

Samples were collected in 1987 from areas identified as the "East Sludge Pond" and the "East Waste Pond" as part of a RCRA Facility Assessment (RFA) performed at Keystone. One soil sample (RFA sample number S89) was collected from an area identified as the East Sludge Pond, and one surface water sample (RFA sample number S90) was collected from an area identified as the East Waste Pond. The locations of these samples are shown on Figure 6 of the January 1988 RFA Sampling Report. This figure has been reproduced and is included as **Attachment 1**.

In reviewing the RFA documentation ten years later, first as part of the 1998 USEPA Mini-Mill initiative and then again in 2001 to prepare the facility Current Conditions Report, these pond areas were assumed to be part of the large, low-lying former overflow area for the Closed Loop Cooling Pond since they no longer existed and were unknown to the personnel performing the review. It was therefore presumed that the "East Sludge/Waste Pond" identified in the RFA documentation referred to localized areas in the overflow zone where water was pooled at the time of the 1987 sampling event. This misinterpretation was exposed in 2002 upon closer examination of the RFA Report during attempts to determine where to locate new sample locations to evaluate the current status of the area.

Part of the 2002 sampling plan development included an attempt to correlate the depictions presented in the RFA documentation with site maps and historical aerial photographs in order to conduct some site reconnaissance. This effort was particularly focused on finding landmarks suitable for physically locating the area where soil sample S89 had been collected. The product of this renewed investigative effort was the discovery that this sample had in fact been collected from one of two distinct ponds that existed at the eastern edge of the slag yard at the time of the RFA sampling, and which were separate from the former overflow area of the Closed Loop Cooling Pond. These ponds were used as a silt settling pond and a water recirculation pond associated with the washing of sand-sized crushed slag aggregate to meet purchaser specifications. The monikers "East Waste Pond" and "East Sludge Pond" were applied to these areas by the USEPA-contracted RFA team in the field.

Landmarks on a 1990 aerial photograph of Keystone were used to transfer scaled, digitized unit perimeters for these two former units to current facility maps, and to provide measurement base points to locate sample nodes for the sampling activity performed in December 2002. A reproduction of this 1990 aerial photograph showing the so-called East Sludge Pond and East Waste Pond is included as **Attachment 2.**

The results for one of the samples collected from the East Sludge Pond in December 2002 indicated the potential presence of lead at concentrations above the Preliminary Remediaton Goal (PRG) of 750 mg/kg at sample node EWP-2. This sample was split in the field and sent as a parent and a blind duplicate to the analytical laboratory. The dichotomous results for the parent and duplicate samples (at 460 mg/kg and 880 mg/kg total lead, respectively) have led to the need for follow-up sampling in the area to confirm whether the higher concentration is indicative of a potential area of contamination above the PRG, or is simply the result of a "nugget effect" that tainted the duplicate sample result.

Sampling Activities

Keystone will perform follow-up sampling at the East Sludge Pond in the vicinity of the December 2002 sampling node EWP-2 to further evaluate the conditions in the former sediment of the East Sludge Pond. One sample will be collected adjacent to the former EWP-2 node, and three additional samples will be collected from new sample nodes evenly distributed around the central node at a radial distance of about 10 feet. Direct push or hollow-stem auger drilling equipment will be employed to bore through the overlying slag fill (with continuous split-spoon geologic logging) until the former pond sediment layer is reached. One sample from the sediment layer, and one sample from the underlying native soil will be collected at each sample node. The approximate sample locations are presented on a map of the Slag Processing Area included as **Attachment 3.**

Keystone will also procure representative samples of the accumulated sludge being stored in the North and South Sludge Lagoons associated with Keystone's on-site wastewater treatment plant (WWTP). USEPA has indicated its concern that Keystone has not demonstrated through analysis that the sludge stored in these two lagoons does not exhibit any of the characteristics of hazardous waste,

and has therefore requested additional testing of this material. A composite sludge sample will be collected from each lagoon representative of various depth layers. The North Sludge Lagoon has a pier that can be used for access for sampling activities and the South Lagoon is not in use and has sufficiently dried/dewatered such that plywood mats can be used to create a walkway to perform sampling.

Sampling Protocols

Samples will be collected using new and/or properly cleaned and decontaminated equipment and sample containers (the latter shall be provided by the analytical laboratory). Samples from the desired depth intervals will be collected from the split spoons or core tubes brought to the surface, homogenized in a stainless steel bowl, and then transferred to wide-mouth glass jars with Teflon®-lined screw caps.

In order to prevent cross-contamination of samples, equipment will be properly decontaminated prior to initial use, between subsequent uses (between samples), and prior to leaving the site. The following field decontamination procedure will be used: (1) check equipment for damage and proper working order; (2) rinse with potable water; (3) wash with potable water, a nylon brush, and detergent (Liquinox® or equivalent); (4) rinse with potable water; (5) rinse with distilled/deionized water and allow to air dry. If not immediately re-used, decontaminated equipment shall be wrapped in aluminum foil (shiny side out) to prevent contamination during storage and transportation in the field. During sampling activities, plastic sheeting will be used to prevent contact of decontaminated equipment with the ground, truck beds, etc.

Rinsate blank samples will be collected to confirm the efficacy of field decontamination procedures. Decontaminated sampling equipment will be rinsed with distilled/deionized water, and the rinsate will be collected for analysis in sample containers provided by the analytical laboratory.

Excess soil sample and cuttings generated at the East Sludge pond will be mixed with bentonite clay and returned to the borehole. Excess sludge sample and cuttings from the North and South Sludge Lagoons will be returned to the lagoons. Wastewater generated during sampling equipment decontamination activities will be collected in 55-gallon drums or other suitable containers to be transferred to Keystone's on-site WWTP.

Sample containers will be labeled with identifiers indicating the sample location and sample number. Field duplicates will be sent to the laboratory with typical sample codes, and will not be explicitly identified as duplicate samples on container labels or chain of custody forms. Samples will be transferred to the analytical laboratory on the same day that they are collected, and will be packed in coolers on ice to initiate chilling to 4°C for preservation. Sample containers and ice shall be packed in watertight plastic bags (e.g., Ziploc®) to contain meltwater and minimize condensation on sample containers.

Chain of custody protocols shall be followed to create an accurate written record to trace the collection, handling, transfer, and possession of samples. A chain of custody form will be prepared and shall accompany the samples in each cooler from the time of collection until acceptance by the analytical laboratory. For each sample, chain of custody forms and sample containers shall identify sampling date and time, sample matrix, parameters to be analyzed, preservatives used, sampler name, and type of sample.

Samples from the East Sludge Pond will be analyzed for total lead. Samples from the North and South Sludge Lagoons will be analyzed for potential hazardous characteristics per USEPA hazardous constituents criteria for K061 and K062-listed wastes (i.e., TCLP cadmium, chromium, and lead). Appropriate USEPA SW-846 standard analytical methods will be utilized for all analyses (e.g., methods 3050B and 6010B for total metals, and methods 1311 and 6010B for TCLP metals). Laboratory results shall meet Illinois Environmental Protection Agency (IEPA) minimum practical quantitation limits (PQLs) for all analyses.

Proper quality assurance/quality control (QA/QC) data will be requested from the analytical laboratory. These shall include rinse blanks, field duplicates, matrix spikes (MS), matrix spike duplicates (MSD), and laboratory control samples (instrument blanks, calibration control blanks, etc.). Full data reports containing the QA/QC data will be procured from the laboratory. Field blanks will be collected at a rate of at least one for every ten analytical samples, and MS/MSD samples will be collected at a frequency of at least one for every 20 analytical samples.

Please feel free to contact Mark Prytula or myself of RMT at (770) 641-9756, or Russ Perry of Keystone at (309) 697-7538 if you have any questions or need clarification of any of the information presented in this letter.

Sincerely,

RMT, Inc.

Jeffery A. Pierce

Jeffery A. Pierce, P.E.
Senior Project Manager

Attachments:

cc: Russ R. Perry and J. Mark Hollingsworth - Keystone Steel & Wire Company
Andrew Running - Kirkland & Ellis
Robert Aten - Earth Tech
Mark Prytula - RMT, Inc.
Central Files

ATTACHMENT 1

Keystone Steel & Wire Company

(Reproduction of Figure 6 from USEPA's January 1988 RFA Sampling Report)

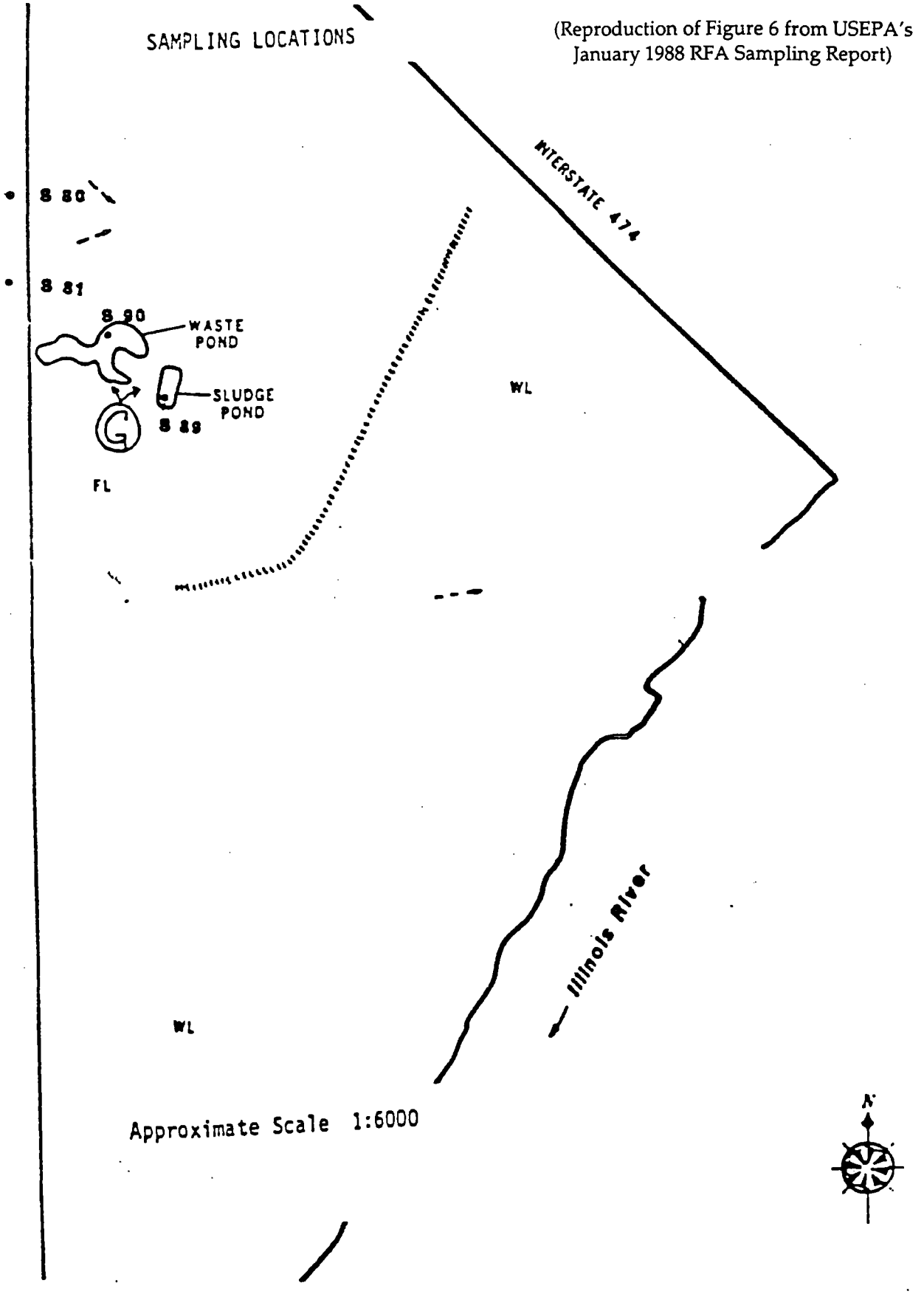
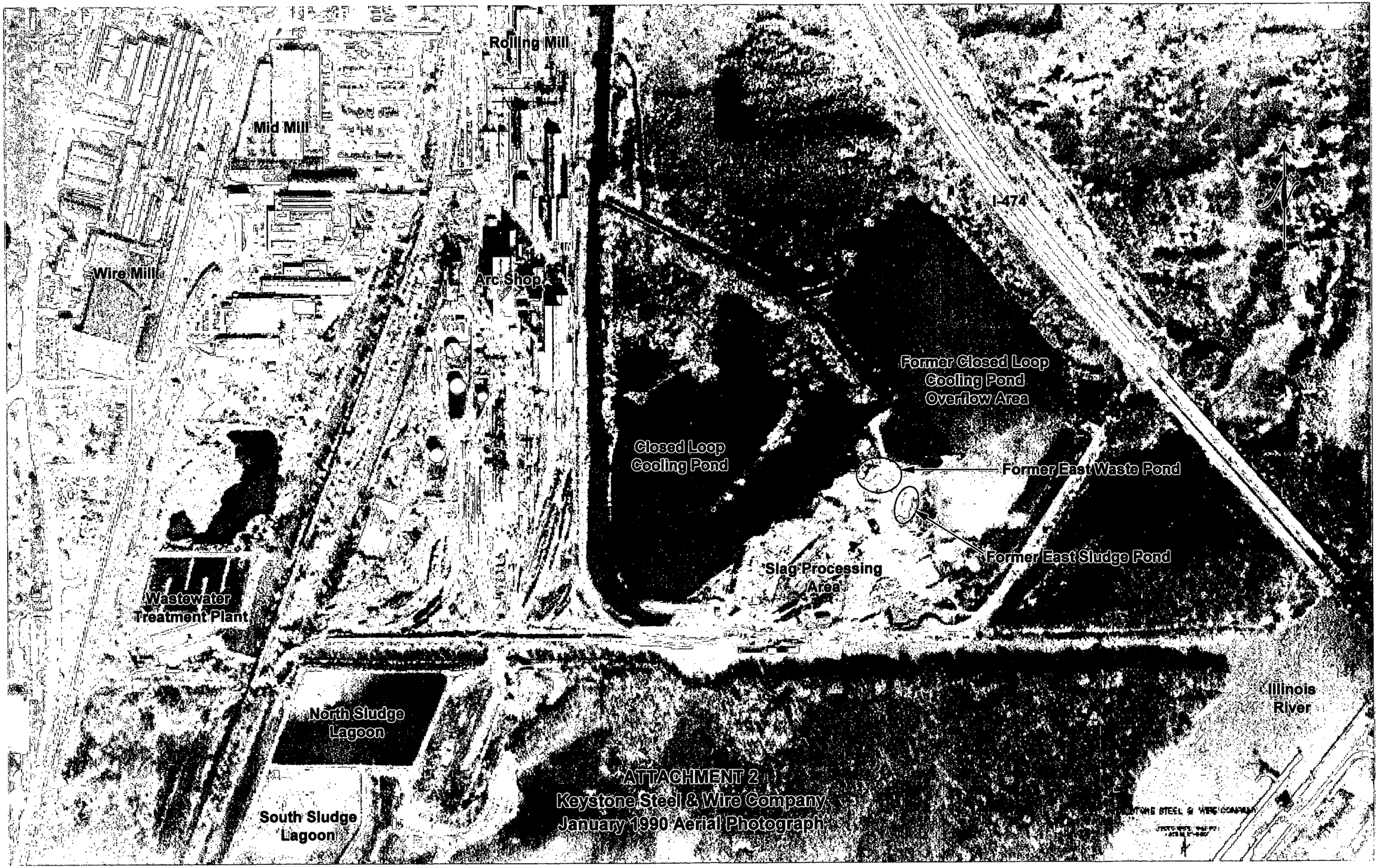
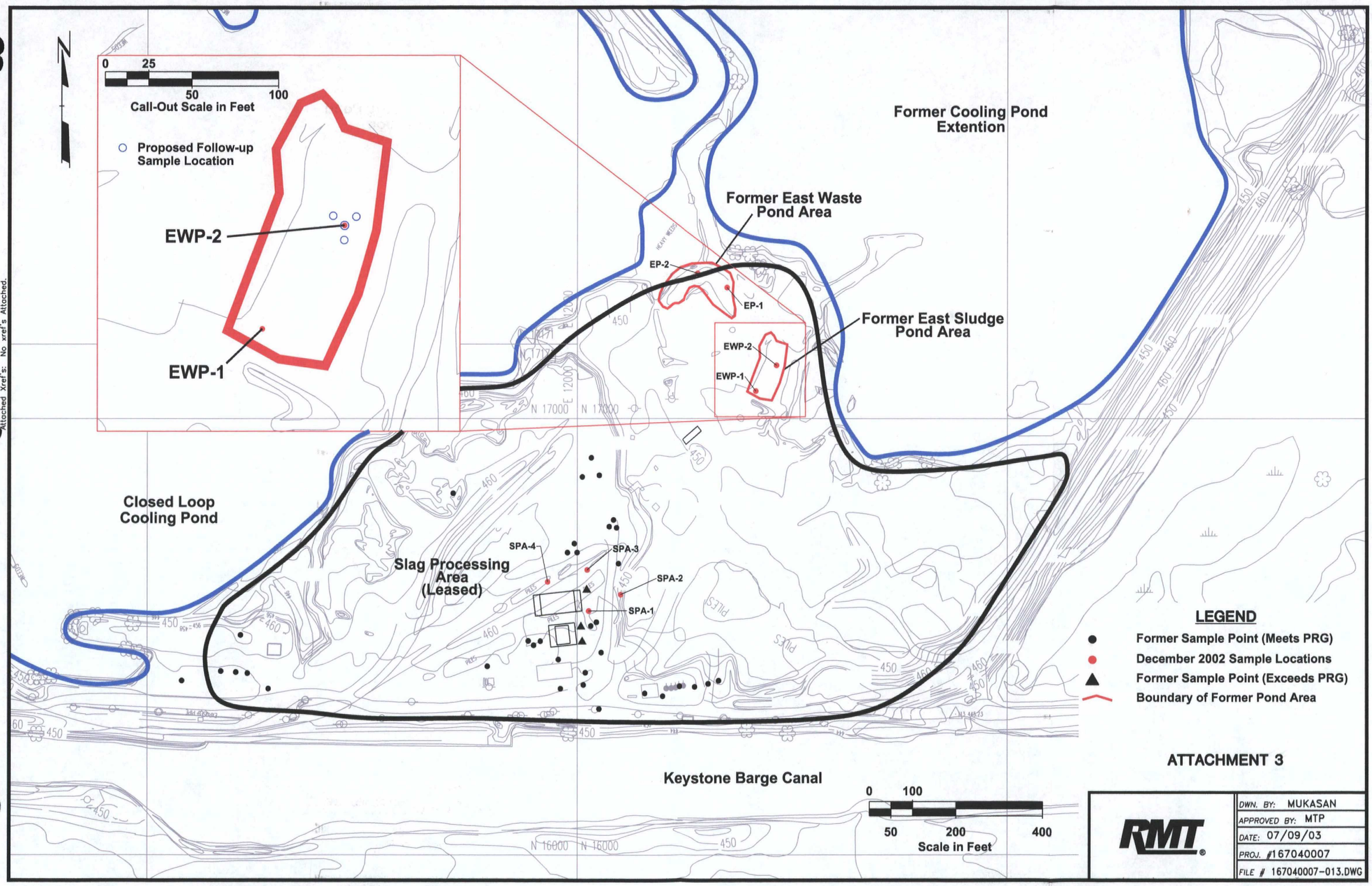


FIGURE 6


Rolling Mill
Mid Mill
Wire Mill
Arc Shop
I-474
Former Closed Loop
Cooling Pond
Overflow Area
Closed Loop
Cooling Pond
Former East Waste Pond
Former East Sludge Pond
Slag Processing
Area
Wastewater
Treatment Plant
North Sludge
Lagoon
South Sludge
Lagoon
Illinois
River
ATTACHMENT 2
Keystone Steel & Wire Company
January 1990 Aerial Photograph

Attached Xref's: No xref's Attached.



ATTACHMENT 3

RMT

DWN. BY:	MUKASAN
APPROVED BY:	MTP
DATE:	07/09/03
PROJ. #	167040007
FILE #	167040007-013.DWG

Keystone Steel & Wire

June 12, 2003

VIA OVERNIGHT DELIVERY

Mr. Jonathan Adenuga
Enforcement and Compliance Assurance
Waste, Pesticide, and Toxics Division
U.S. Environmental Protection Agency, Region 5 (DE-9J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3507

Subject: EPA's May 20, 2003 Letter Regarding Final Corrective Measures Proposal Submitted by Keystone Steel & Wire Company (ILD 000 714 881)

Dear Mr. Adenuga:

On May 23, 2003, Keystone Steel & Wire Company (Keystone) received EPA's letter dated May 20, 2003 in response to Keystone's April 18, 2003 email regarding the Final Corrective Measures Proposal (*Proposal*) that Keystone submitted to the Agency in January 2003. Several concerns were expressed by EPA in the May 20, 2003 letter and also during an informal conference call held between representatives of Keystone and EPA Region 5 on June 11, 2003.

Confusion regarding analytical data for the December 2002 sampling event: EPA indicated that there was some confusion with regard to tabulated sample data, the laboratory data sheets, and the original chain of custody forms for the sampling event documented in the January 2003 *Proposal*. To assist in alleviating any remaining points of confusion, Keystone has prepared the following discussion to address those concerns raised in the May 20 letter and during the June 11 conference call.

The three chain of custody sheets at the end of Appendix A of the *Proposal* are copies of the laboratory-signed forms provided by PDC as part of their laboratory report documenting analysis of the samples collected at Keystone in December 2002. Although, the "Page _____ of _____" fields were left blank, all three pages correlate to the sample analyses presented in the preceding data sheets of the laboratory report. All of the samples represented on the chain of custody forms were collected on December 4 and 5, 2002; and were delivered to, and accepted by the laboratory on December 6, 2002 as part of one sample delivery group (SDG). This SDG is identified by Login No. 02121645, which was entered by the laboratory on the upper right corner of all three chain of custody pages. This number also appears on the two report cover pages and is used as the preliminary identifier on all of the laboratory sample identification numbers.

An error was noted by EPA in PDC Laboratory's report. On page 15 of the Laboratory Results section, the Site ID field reads "EWP-2 5-9'" for sample 02121645-15 that was collected on December 5, 2002 at 10:45 am. The depth interval on the laboratory data sheet was entered incorrectly due to a misreading of the handwriting on the chain of custody form, which says "EWP-2 (8'-9')" for this sample.

Confusion has also been noted by EPA due to the lack of sample collection times for samples identified as "DUP-1" and "DUP-2" on the chain of custody form. These two field duplicate samples were submitted to the laboratory as "blind duplicates" so that the lab would be unable to ascertain which analytical samples had been split. Entering the date and time of collection on the chain of custody would have allowed the laboratory to associate these samples with their respective parent samples.

The matrix spike/matrix spike duplicate (MS/MSD) sample was not sent blind, and was identified by date and time on the chain of custody form. EPA's correlation of this quality assurance/quality control (QA/QC) sample with its parent sample collected at node SPA-2 is correct. Note, however, that DUP-1, DUP-2, and MS/MSD are three different samples with three different parent samples. In order to document the correlation of blind duplicate samples DUP-1, and DUP-2 with the appropriate parent samples, copies of the field log book pages that include the entries made during the collection of these two samples are presented as Attachment 1 to this Letter.

As indicated on the field activities log book page 5, sample DUP-1 was collected as a split of the sample collected at 9:50 AM on December 4, 2002 at node ND-1 from the 5'-7' depth interval. This sample was therefore identified as node ND-1 sample number 2 (dup) in Table A-1 of the *Proposal*. Page 11 of the field activities log book indicates that sample DUP-2 was collected as a split of the sample collected at 10:45 AM on December 5, 2002 at node EWP-2 from the 8'-9' depth interval. This sample was therefore identified as node EWP-2 sample number 1 (dup) in Table A-1 of the *Proposal*.

Status East Sludge Pond and East Waste Pond: As a result of the confusion regarding the two blind duplicate samples and the MS/MSD sample, EPA indicated in its May, 20, 2003 letter that additional corrective measures may still be required at the East Sludge Pond and East Waste Pond. As noted above, however, the analytical result for sample DUP-2 was appropriately identified in the *Proposal* and Keystone's April 18, 2003 letter as a duplicate of the sample collected from 8'-9' at node EWP-2 in the East Sludge Pond.

The two total lead concentration results obtained for the split sample collected at 8'-9' from node EWP-2 were 460 mg/kg for EWP-2 No. 1 and 880 mg/kg for EWP-2 No. 1(dup). By averaging these two results a value of 670 mg/kg total lead is obtained for this sample, which is below the 750 mg/kg Preliminary Remediation Goal (PRG) for lead in soil appropriate for industrial land use. As indicated in the *Proposal* and in Keystone's April 18, 2003 letter to EPA, Keystone believes that additional corrective measures in the East Sludge Pond and East Waste Pond are therefore not warranted based upon our recent analytical data indicating that the lead concentrations in the sediment and the underlying native clay of these areas are below the 750 mg/kg PRG for industrial soil.

Schedule for implementing final corrective measures: Questions regarding the timing of implementation of the final corrective measures at the F-Pond were also raised during the June 11 conference call. Keystone is still in the process of considering possible adjustments to this schedule in light of EPA's concerns and the timing of the closure activities being performed under oversight of the Illinois Environmental Protection Agency (IEPA), and will continue to work with EPA to resolve the expressed scheduling concerns. It is Keystone's understanding that EPA would like to coordinate completion of final corrective measures associated with the Environmental Indicators Administrative Order on Consent by December 31, 2005.

If you have any questions or need additional information regarding the information presented in this letter or otherwise pertaining to the January 2003 *Proposal*, please do not hesitate to contact me by email at perryrs@keystonesteel.com or by phone at (309) 697-7538.

Sincerely,

Keystone Steel & Wire Company
Russ R. Perry, P.G.
Manager, Energy & Environmental Engineering

Attachments

cc: Robert Aten, Ph. D., L.P.G., Earth Tech
Jeffery Pierce, P.E., RMT, Inc.
Mark Prytula, Ph. D., P.E., RMT, Inc.
Andrew Running, Kirkland & Ellis

Location Peoria IL Date 12-4-02

Project / Client Keystone Steel & Wire

~~16-70400.07~~ 16-70400.07

3'-5'	Brown Black clay w/ wood
5'-7'	Native clay Gray Brown.
0940	Sampled ND-1 (1'-3')
0950	Sampled ND-1 (5'-7') Dup-1 Photos #26-25
0955	Starting on ND-2 Photos #24-23
1'-3'	Brown Black Clay
3'-5'	Black brown Soil
5'-7'	Brown Black Clay/Soil
1010	Sampled ND-2 (1'-3)
1015	Sampled ND-2 (5.5' to 6.5')
1025	Starting on ND-3 Photo #22 and #
1030	Decon bowls & spoons

Date 12-4-02

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ND-1

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Jars.

hoto # 27

l looks like

Location Peoria Date 12-5-02

Project / Client Keystone Steel & Wire

1670400-07

Blow count 40 for (5'-7')
Slag/wet

Blow count 55 (7'-9') Photo #6+5
Black brown sediment

1045 Sampled EWP-2 (8'-9')
Dup-2

Blow count 13 for (9'-11')
Photo #4
Black Brown Green Clay

1055 Sampled EWP-2 (10'-11')

1100 Moving to EP-1

1110 Starting on EP-1
Blow count 96 for (1'-3')
Slag Photo # 3

12-5-02
& wire

) Photo #9
ck sediment

') Photo #8
Soil

3') Photo #7

1')

3')

-3')

3-5')

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

May 20, 2003

REPLY TO THE ATTENTION OF

DE-9J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Russ R. Perry
Manager, Energy & Environmental Engineering
Keystone Steel & Wire Company
7000 S.W. Adams Street
Peoria, Illinois 61641-0002

Re: Final Corrective Measures Proposal
Email Response
Keystone Steel & Wire Company
EPA ID No.: ILD 000 714 881

Dear Mr. Perry:

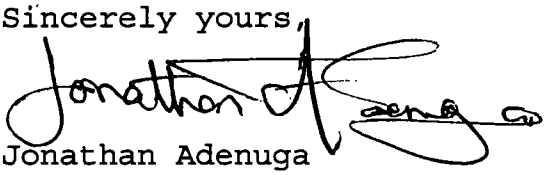
The United States Environmental Protection Agency (U.S. EPA) has completed the review of your April 18, 2003 Email response to its March 28, 2003 comments. This letter constitute a formal response to your April response. Based on our review of boring-logs for the four sample nodes in the East Sludge Pond and the East Waste Pond, it is understandable why there were sampling inconsistencies with the other two locations. However, the explanation provided in your response regarding the blind duplicates is confusing. The explanation does not support the information on page two of the chain of custody record in the January 2003 Final Corrective Measures Proposal (PROPOSAL). The sample collection time for the MS/MSD samples is questionable. Based on our review of the chain of custody record, the indicated date and time of collection for the MS/MSD samples appears to correlate more with the SPA-2 sample location rather than with the EWP sample location. we believe that the MS/MSD samples collected are for the SPA-2 samples.

Therefore, the U.S. EPA continues to insist that additional corrective measures be implemented at the East Sludge Pond and the East Waste Pond. This conclusion was based on the information in Appendix A-1. The highest total lead concentration of 880mg/kg was reported for the EWP-2 sludge sample. As earlier suggested, KS&W should consider excavation of hot spots in these two areas. Finally, as a matter of procedure, all future responses must be in writing and signed by a responsible official. The revised PROPOSAL addressing the above issue must be submitted within 15 days of receipt of this letter

to U.S. EPA for approval.

If you have any questions regarding this matter, please contact Jonathan Adenuga, (312) 886-7954.

Sincerely yours,



Jonathan Adenuga
Enforcement and Compliance Assurance Branch
Waste, Pesticides and Toxics Division

cc: Jim Moore, IEPA

ATTACHMENT

East Sludge Pond and East Waste Pond: The data collected for these this area is questionable. According to Appendix A, Table A-1, the sampling logic appears to be inconsistent. We note that depth intervals from which samples were collected at the three areas vary dramatically. For example, At the North Ditch staging area and the Slag processing area, collection of samples started from the 1-3' depth intervals and progressed to 6-7' intervals while from the East Sludge Pond and the East Waste Pond, the shallowest depth of sample collection started at the 7' interval. There were no sample results from 1-3' and 5-6' intervals. We suggest that additional samples be collected from 1-3' and 4-6' intervals at the East Sludge Pond and the East Waste Pond to adequately confirm the true nature of the soil in this area.

North and South Lagoons: Based on the 1987 RFA data we have reasons to believe that these lagoons may be storing waste sludges that meet some characteristics of hazardous waste regardless of the fact that the sludges have been subjected to lime treatment. KS&W has not demonstrated that the waste pickle liquor sludge generated by lime stabilization of pickle liquor from the onsite waste water treatment plant is excluded from regulation because it has not demonstrated through analysis that the sludge does not exhibit one or more of the characteristics of hazardous waste. Please refer to 40 CFR 261.3 (3)(ii)(A). Therefore, KS&W must collect representative samples of sludge from these lagoons and analyze the collected samples using the Toxicity Characteristics Leaching Procedure. The collected samples must be grab samples and must be representative of the entire sludge in these lagoons.

2.3 Corrective Measures Considered: We disagree with reasoning and conclusion provided for not considering implementing any additional corrective measures at the East Sludge Pond and the East Waste Pond. As indicated above, additional corrective measures may be warranted contingent on the additional data to be collected from these two areas. In addition, based on the information provided in Appendix A, the highest total lead concentration is 880mg/kg and not 750mg/kg. At a minimum, KS&W should consider excavation of hot spots in these two areas.

3.3 F-Pond: The corrective measures proposed for the F-Pond is acceptable contingent on KS&W submitting the detail final plan for review and approval.

Keystone Steel & Wire

April 18, 2003

VIA EMAIL

Mr. Jonathan Adenuga
Enforcement and Compliance Assurance
Waste, Pesticides, and Toxics Division
U.S. Environmental Protection Agency, Region 5 (DE-9J)
77 West Jackson Boulevard
Chicago, Illinois 60604-3507

Subject: EPA's March 28, 2003 Letter Regarding Shortcomings in the January 2003 Final Corrective Measures Proposal submitted by Keystone Steel & Wire Company (ILD 000 714 881)

Dear Mr. Adenuga:

On April 2, 2003, Keystone received EPA's letter (dated March 28, 2003) regarding the Final Corrective Measures Proposal (*Proposal*) that Keystone submitted to the Agency in January 2003. This letter and its attachments are being provided to address EPA's comments expressed in the March 28, 2003 letter.

East Sludge Pond and East Waste Pond: EPA indicated that the sampling conducted in December 2002 at the East Sludge Pond and East Waste Pond, Slag Yard, and North Ditch Staging Area appears to be inconsistent due to variation in sampling depths from area to area. The variation in sampling depths was intentional, as the sampling protocols were driven by different objectives in each area. Detailed discussions regarding the rationale behind the implemented sampling protocols can be found in Keystone's November 19, 2002 Technical Memorandum to EPA.

Different sampling approaches were applied in each area in order to confirm and/or delineate potential impacts based upon analytical results from historical sample data collected at the facility. At the North Ditch Staging Area, samples were collected to characterize shallow fill material and the underlying native soil. In the Slag Yard, only surface samples were collected to evaluate potential surface impact from historical operations. At the East Sludge Pond and East Waste Pond, only samples of the former pond sediment and underlying soil were collected.

Surface and shallow depth samples were not collected at the East Sludge Pond and East Waste Pond because the ponds have been filled in and covered with five to ten feet of crushed slag aggregate since 1987, when the original samples were collected. Boring logs for the four sample nodes in the East Sludge Pond and East Waste Pond are included as Attachment 1. Analytical sample depths were determined in the field via continuous split-spoon geologic logging, and were selected based upon the depth of the former pond sediment. After boring through the overlying fill material and finding the sediment layer, analytical samples were collected from

within this layer and then from the underlying native soil. Keystone does not believe that additional sampling is necessary in these areas to confirm that no impact is present in the fill material since all of the material above the sludge layer is recent slag fill. Sampling of the sludge layer was the specific objective in order to correlate data from the 1987 sampling performed by the USEPA.

North and South Sludge Lagoons: EPA indicated its concern that Keystone has not demonstrated through analysis that the sludge stored in these two lagoons does not exhibit any of the characteristics of hazardous waste, and has thus requested additional testing of this material. Keystone has been investigating options for increasing the storage capacity of these two lagoons, and one of the possible options is to excavate some of the stored sludge for disposal off site. An assessment of the sludge with regard to potential disposal requirements, including any possible Land Disposal Restrictions (LDRs), has already been planned as part of the investigation of this option.

Peoria Disposal Company (PDC) will collect and analyze representative samples of the sludge in each lagoon as per the Illinois Environmental Protection Agency (IEPA) requirements for issuance of a disposal permit to determine if the material exhibits any hazardous characteristics or will require any treatment to meet applicable LDRs. A copy of the required analyses to which the sludge will be subjected is presented in Attachment 2. If the PDC waste profile analysis indicates the presence of any characteristically hazardous material, additional sampling may be necessary to determine its distribution, limit, and extent in each lagoon.

Corrective Measures Considered: EPA indicated that it disagreed with Keystone's conclusion that additional corrective measures were not required at the East Sludge Pond and East Waste Pond due to the detection of lead in a duplicate sample from the East Sludge Pond at a concentration of 880 mg/kg. Keystone had proposed averaging the total lead concentrations obtained for the two analyses of this sample (EWP-2-1 at 460 mg/kg and EWP-2-1(dup) at 880 mg/kg and) for comparison against the 750 mg/kg Preliminary Remediation Goal (PRG) for lead in soil appropriate for industrial land use.

Samples EWP-2-1 and EWP-2-1(dup) were blind duplicates of the sample collected from 8 to 9 feet at boring location EWP-2. PDC Laboratory was contacted in regards to these sample results. The lab re-analyzed the metals digestions and indicated that the sample results from the digestion portion of the soil sample bottles are valid. PDC also indicated that they only remove 5-grams from the jar of soil to perform the sample analysis. The lab does not perform any mixing of the soil that is in the jar. The 5-grams is collected as a grab from the top of the jar. The values reported are entirely dependent upon the location within the sample jar from which the 5-gram aliquots were removed. Based on this information we believe that averaging the sample data is a legitimate method of evaluation.

Therefore, in regard to EPA's request that additional corrective measures be considered in these areas, Keystone believes that additional corrective measures in the East Sludge Pond and East

Waste Pond are not warranted based on our recent analytical data indicating that the lead concentrations in the sediment and the underlying native clay are below the 750 mg/kg PRG for industrial soil.

F-Pond: EPA indicated that the corrective measures proposed for the F-Pond are acceptable, contingent on receipt of a final detail plan for EPA review and approval. As discussed in the Final Corrective Measures Proposal, Keystone anticipates implementing closure of this area during a mobilization in 2005 using revised excavation and treatment techniques developed for the remaining ditch closures to be conducted in 2004 under the Consent Order with IEPA. Once the revised procedures have been finalized for use in closing the remaining IEPA units, Keystone will provide a final detailed closure plan to include soil treatment, disposal, and confirmation sampling protocols.

Revisions to the Final Corrective Measures Proposal: Keystone will proceed with implementing the sampling activities discussed above regarding the North and South Sludge Lagoons. Upon receipt of sample data from the analytical laboratory, Keystone will prepare a report summarizing the collected data and presenting any necessary final corrective measures for these lagoons by June 28, 2003.

If you have any questions or need any additional information, please do not hesitate to contact me (phone: 309-697-7538, email: perryrs@keystonesteel.com).

Sincerely,

Keystone Steel & Wire Company
Russ R. Perry, P.G.
Manager, Energy & Environmental Engineering

Accompanying File Attachments: 04-18-03 Attachment 1.pdf
04-18-03 Attachment 2.pdf

cc: Robert Aten, Ph.D., L.P.G., Earth Tech
Jeffery Pierce, P.E., RMT, Inc.
Mark Prytula, Ph.D., P.E., RMT, Inc.
Andrew Running, Kirkland & Ellis

Minimum Analytical Requirements for Disposal Permit

I. pH
Flashpoint (>200)
% Solids
Paint Filter
Bulk Density
* Total and Reactive Cyanides
* Total and Reactive Sulfides
Total Phenol
Extractable Organic Halogen (E.O.X.)
Radioactivity — *PDC #1 Landfill Only (must be performed by PDC Laboratories)*

* *Reactives only need to be run if totals are >10 ppm.*

II. Total and TCLP Metals (**TCLPs require matrix spike confirmation**):

Arsenic
Barium
Cadmium
Chromium
Lead
Mercury
Selenium
Silver

IF HAZARDOUS FOR METALS, PDC IS REQUIRED TO RUN A TREATABILITY STUDY TO DEMONSTRATE COMPLIANCE WITH LDR'S

III. TCLP BNAs & TCLP VOAs
(i.e. D018-D043 **Matrix spike confirmation required**)

VOLATILES:
EPA Method 8260

Vinyl Chloride
1,1-Dichloroethene
Chloroform
1,2-Dichloroethane
Carbon Tetrachloride
Trichloroethene
Benzene
Tetrachloroethene
Chlorobenzene
1,4-Dichlorobenzene
2-Butanone (MEK)

BASE/NEUTRAL/ACID EXTRACTABLES:
EPA Method 8270

Base/Neutrals	Acids
Pyridine	m,p-Cresol
Hexachloroethane	o-cresol
Nitrobenzene	2,4,6-Trichlorophenol
Hexachlorobutadiene	2,4,5-Trichlorophenol
2,4-Dinitrotoluene	Pentachlorophenol
Hexachlorobenzene	

****

THE WASTE MUST BE ANALYZED BY PDC LABORATORIES FOR ANY UNIVERSAL TREATMENT STANDARDS LISTED FOR ALL APPLICABLE HAZARDOUS WASTE CODES

****

MUST BE ON SIGNED LABORATORY LETTERHEAD ACCOMPANIED BY A COC

EWP-1

CLIENT:	Keystone Steel & Wire Company	**LOCATION:**	7000 S.W. Adams Street, Peoria, Illinois
DATE DRILLED:	12/5/2002	**GRID COORDINATES:**	40° 38' 14" N, 89° 38' 48" W
DATE COMPLETED:	12/5/2002	**GROUND SURFACE ELEV:**	
DRILLING METHOD:	Continuous Split Spoon	**TOTAL DEPTH:**	13 feet
DRILLING COMPANY:	Tremont Exploration (D. Hischke)	**GEOLOGIST/ENGINEER:**	J. King

Depth (ft. bgs)	Sample Type	Sample Interval/ Rec. (ft.)	PID (ppm)	Soil Description	Remarks
0.0					
		1' - 3'		CRUSHED SLAG: Gray, dry, cementious near surface.	*Blow Count: 175*
2.0					
		3' - 5'		CRUSHED SLAG: Gray, dry, granular.	*Blow Count: 17*
4.0					
		5' - 7'		CLAY (CL): Brown, moist.	*Blow Count: 16*
6.0					
▼		7' - 9'		SILT (ML): Silty sediment, wet, brown-black. Sample Collected: 7' - 9'	*Blow Count: 11*
8.0					
		9' - 11'		CLAY (CL): Wet, gradual color change from black-brown to gray to brown-black.	*Blow Count: 9*
10.0					
		11' - 13'		CLAY (CL): Wet, brown-black. Sample Collected: 12' - 13'	*Blow Count: 11*
12.0					
				BORING TERMINATED AT 13.0 FEET	
14.0					
16.0					

KEY:

Sand · Clayey Sand · ▼ Water table encountered at time of boring

Silt · Silty Clay

Clay · Crushed Slag

EWP-2

CLIENT:	Keystone Steel & Wire Company	**LOCATION:**	7000 S.W. Adams Street, Peoria, Illinois
DATE DRILLED:	12/5/2002	**GRID COORDINATES:**	40° 38' 14" N, 89° 38' 48" W
DATE COMPLETED:	12/5/2002	**GROUND SURFACE ELEV:**	
DRILLING METHOD:	Continuous Split Spoon	**TOTAL DEPTH:**	11 feet
DRILLING COMPANY:	Tremont Exploration (D. Hischke)	**GEOLOGIST/ENGINEER:**	J. King

Depth (ft. bgs)	Sample Type	Sample Interval/ Rec. (ft.)	PID (ppm)	Soil Description	Remarks
0.0					
		1' - 3'		CRUSHED SLAG: Gray, dry, cementious.	*Blow Count: 272*
2.0					
		3' - 5'		CRUSHED SLAG: Gray, dry cementious.	*Blow Count: 148*
4.0					
▼		5' - 7'		CRUSHED SLAG: Gray, wet.	*Blow Count: 40*
6.0					
		7' - 9'		SILT (ML): Silty sediment, firm, wet, black-brown. Sample Collected: 8' - 9' (sample split for duplicate)	*Blow Count: 55*
8.0					
		9' - 11'		CLAY (CL): Wet, black-brown to green Sample Collected 10' - 11'	*Blow Count: 13*
10.0					
				BORING TERMINATED AT 11.0 FEET	
12.0					
14.0					
16.0					

KEY:

Sand | Clayey Sand | ▼ Water table encountered at time of boring

Silt | Silty Clay

Clay | Crushed Slag

EP-1

CLIENT:	Keystone Steel & Wire Company	**LOCATION:**	7000 S.W. Adams Street, Peoria, Illinois
DATE DRILLED:	12/5/2002	**GRID COORDINATES:**	40° 38' 14" N, 89° 38' 48" W
DATE COMPLETED:	12/5/2002	**GROUND SURFACE ELEV:**	
DRILLING METHOD:	Continuous Split Spoon	**TOTAL DEPTH:**	13 feet
DRILLING COMPANY:	Tremont Exploration (D. Hischke)	**GEOLOGIST/ENGINEER:**	J. King

Depth (ft. bgs)	Sample Type	Sample Interval/ Rec. (ft.)	PID (ppm)	Soil Description	Remarks
0.0					
		1' - 3'		CRUSHED SLAG: Gray, dry, cementious near surface.	*Blow Count: 96*
2.0					
		3' - 5'		CRUSHED SLAG: Gray to black, dry, granular.	*Blow Count: 50*
4.0					
		5' - 7'		CRUSHED SLAG: Gray, dry, granular.	*Blow Count: 45*
6.0					
		7' - 9'		CRUSHED SLAG: Gray, granular.	*Blow Count: 45*
8.0					
		9' - 11'		SILT (ML): Silty sediment, wet, brown. Sample Collected: 10' - 11'	*Blow Count: 8*
10.0					
		11' - 13'		CLAY (CL): Wet, brown-black to gray. Sample Collected: 11' - 13'	*Blow Count: 10*
12.0					
				BORING TERMINATED AT 13.0 FEET	
14.0					
16.0					

KEY:

Sand
Clayey Sand
Water table encountered at time of boring
Silt
Silty Clay
Clay
Crushed Slag

EP-2

CLIENT:	Keystone Steel & Wire Company	**LOCATION:**	7000 S.W. Adams Street, Peoria, Illinois
DATE DRILLED:	12/5/2002	**GRID COORDINATES:**	40° 38' 14" N, 89° 38' 48" W
DATE COMPLETED:	12/5/2002	**GROUND SURFACE ELEV:**	
DRILLING METHOD:	Continuous Split Spoon	**TOTAL DEPTH:**	11 feet
DRILLING COMPANY:	Tremont Exploration (D. Hischke)	**GEOLOGIST/ENGINEER:**	J. King

Depth (ft. bgs)	Sample Type	Sample Interval/ Rec. (ft.)	PID (ppm)	Soil Description	Remarks
0.0					
		1' - 3'		CRUSHED SLAG: Gray, dry.	*Blow Count: 56*
2.0					
		3' - 5'		CRUSHED SLAG: Gray, dry.	*Blow Count: 55*
4.0					
▼		5' - 7'		CRUSHED SLAG: Gray-brown, wet.	*Blow Count: 50*
6.0				SILT (ML): Silty sediment, wet, firm, black-grey. Sample Collected: 6' - 7'	
		7' - 9'			*Blow Count: 45*
8.0				CLAY (CL): Firm, brown green.	
		9' - 11'		Sample Collected 9' - 11'	*Blow Count: 40*
10.0					
				BORING TERMINATED AT 11.0 FEET	
12.0					
14.0					
16.0					

KEY:

Sand
Clayey Sand
▼ Water table encountered at time of boring
Silt
Silty Clay
Clay
Crushed Slag

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

March 28, 2003

DE-9J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Russ R. Perry
Manager, Energy & Environmental Engineering
Keystone Steel & Wire Company
7000 S.W. Adams Street
Peoria, Illinois 61641-0002

Re: Final Corrective Measures Proposal
Keystone Steel & Wire Company
EPA ID No.: ILD 000 714 881

Dear Mr. Perry:

The United States Environmental Protection Agency (U.S. EPA) has completed the review of the January 2003 Final Corrective Measures Proposal (PROPOSAL) for the Keystone Steel & Wire (KS&W). Based on our reviews, several shortcomings were detected in the PROPOSAL. We have concluded that the PROPOSAL has to be revised. We are also aware that while KS&W is fulfilling its obligation under the current U.S. EPA Administrative Order on Consent (AOC), it is also closing several other units under an earlier Consent Order with IEPA which may have some impact on the final outcome of any remediation that may ultimately be approved for the facility. However, the current PROPOSAL still does not adequately address the issues identified in the AOC and in the results of the January 29, 2002 Environmental Indicators Assessment investigations report. Our comments to the PROPOSAL are outline in the enclosed Attachment. The PROPOSAL must be revised within 30 days of receipt of this letter and Attachment and submitted to U.S. EPA for approval.

If you have any questions regarding this matter, please contact Jonathan Adenuga, (312) 886-7954.

Sincerely yours,

Jonathan Adenuga
Enforcement and Compliance Assurance Branch
Waste, Pesticides and Toxics Division

Enclosure

cc: Jim Moore, IEPA

ATTACHMENT

East Sludge Pond and East Waste Pond: The data collected for these this area is questionable. According to Appendix A, Table A-1, the sampling logic appears to be inconsistent. We note that depth intervals from which samples were collected at the three areas vary dramatically. For example, At the North Ditch staging area and the Slag processing area, collection of samples started from the 1-3' depth intervals and progressed to 6-7' intervals while from the East Sludge Pond and the East Waste Pond, the shallowest depth of sample collection started at the 7' interval. There were no sample results from 1-3' and 5-6' intervals. We suggest that additional samples be collected from 1-3' and 4-6' intervals at the East Sludge Pond and the East Waste Pond to adequately confirm the true nature of the soil in this area.

North and South Lagoons: Based on the 1987 RFA data we have reasons to believe that these lagoons may be storing waste sludges that meet some characteristics of hazardous waste regardless of the fact that the sludges have been subjected to lime treatment. KS&W has not demonstrated that the waste pickle liquor sludge generated by lime stabilization of pickle liquor from the onsite waste water treatment plant is excluded from regulation because it has not demonstrated through analysis that the sludge does not exhibit one or more of the characteristics of hazardous waste. Please refer to 40 CFR 261.3 (3)(ii)(A). Therefore, KS&W must collect representative samples of sludge from these lagoons and analyze the collected samples using the Toxicity Characteristics Leaching Procedure. The collected samples must be grab samples and must be representative of the entire sludge in these lagoons.

2.3 Corrective Measures Considered: We disagree with reasoning and conclusion provided for not considering implementing any additional corrective measures at the East Sludge Pond and the East Waste Pond. As indicated above, additional corrective measures may be warranted contingent on the additional data to be collected from these two areas. In addition, based on the information provided in Appendix A, the highest total lead concentration is 880mg/kg and not 750mg/kg. At a minimum, KS&W should consider excavation of hot spots in these two areas.

3.3 F-Pond: The corrective measures proposed for the F-Pond is acceptable contingent on KS&W submitting the detail final plan for review and approval.

XC: OSEPA V-E
Peoria Region
K. Lovett
ORIG TO FILE

WW Engineering & Science, Inc.
Keystone Mill Road • Bloomington, IN 47408 • (812) 336-0972, Fax (812) 336-3991

April 16, 1992

1430050001 -- Peoria County
Keystone Steel & Wire
ILD000714881

Mr. Ken Lovett
Illinois EPA
2200 Churchill Road
Springfield, IL 62706

Dear Mr. Lovett:

Re: Keystone Steel & Wire Company - Installation of New Investigation Wells

As we discussed at the technical meeting in your office on March 31, 1992, we are going to install three new well clusters at the Keystone facility to better define the horizontal extent of ground water contamination to the west, north, and northeast of the property. The approximate locations of these new well clusters are shown on the enclosed map. It is anticipated that ground water data from these wells will be adequate to define the boundary of the Ground Water Management Zone. The field work for this investigation was started on April 14, 1992 and we expect well installation to be complete within two weeks. Please contact me if you have any questions.

Sincerely,

Robert E. Aten

Robert E. Aten
Vice President

Enclosure

cc: D. Bennington
R. Miller
L. Phillips
J. Polich